LEGISLATIVE JOURNAL
OF THE
STATE OF NEBRASKA

Volume I

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

CONVENED JANUARY 2, 1973 ADJOURNED JUNE 1, 1973

LINCOLN, NEBRASKA

Compiled
Under Authority of the Legislature
by

VINCENT D. BROWN
Clerk

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49	Leslie A. Stull	Alliance	Farmer, Stockman	Box Butte, Dawes, Grant, Sheridan, Sioux

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RULE 1—OFFICERS AND EMPLOYEES

A. Election of Officers

Section 1. Officers to be Elected. At the commencement of each regular session in odd-numbered years the Legislture shall nominate from the floor and elect by secret ballot the following officers:

Speaker
Chairman of Committee on Committees
Chairman of Executive Board
Vice-Chairman of Executive Board
6 Members of Executive Board (See Footnote)

Before the ballot is taken ea person so nominated may make a public statement to the Legislature indicating what the Legislature may expect from him or her in the area of the responsibility of such office. The officers so elected shall hold such office for a period of two years.

The Legislature elects two from legislative districts Nos. 1, 2, 15, 16, 23 to 30, 32 to 35, and 46; two from legislative districts Nos. 3 to 14, 20 31, and 45; and two from legislative districts Nos. 17 to 19, 21, 22, 36 to 44, and 47 to 49. Speaker member of Board; the Chairman of Appropriations is nonvoting member; RRS 50-401.01.

Sec. 2. Officers to be Approved. In addition, the Legislature shall advise and consent to the recommendations of the Executive Board of the Legislative Council for the following officers:

Chief Clerk of the Legislature
Assistant Clerk of the Legislature
Sergeant-at-Arms
Chaplain

Officers and employees recommended by the Executive Board. RRS 50-111.

Sec. 3. Voting on and Removal of Officers. (a) A majority vote of the elected members shall be required for the election of all officers of the Legislature. All officers shall hold their office until a successor is chosen or they are removed.

(b) Any officer of the Legislature may be recalled upon a two-thirds majority vote of the members elected to the Legislature provided no such recall shall be voted on until five legislative days after the motion to do so is placed in the Journal. The vacancy thus created shall be filled by a majority vote of the members.

Sec. 4. Officers Oath. Each permanent Officer shall take an oath to support the Constitution of the United States, and the Constitution of the State of Nebraska, and to discharge faithfully the duties of his office according to the best of his ability.

B. Presiding Officer

Sec. 5. President of Legislature. The Lieutenant Governor shall preside as President of the Legislature. The Speaker shall serve as acting President and preside when the Lieutenant Governor shall be absent, incapacitated or shall act as Governor. All references herein made to the President shall be construed as meaning also the Speaker whenever he may preside.

Prohibited from presiding when acting as Governor. Const. Art. III, Sec. 10.
Duties and powers. Sec. 50-113

Sec. 6. Presiding Officer, Order in Designating. In the absence of both the Lieutenant Governor and the Speaker, the order of the presiding officer of the Legislature shall be as follows:

Chairman of the Legislative Council
Chairman of the Committee on Committee
Chairman of Committee on Judiciary
Chairman of Committee on Government, Military and Veterans Affairs
Chairman of Committee on Appropriation
Chairman of Committee on Revenue
Chairman of Committee on Education
Chairman of Committee on Banking, Commerce and Insurance
Chairman of Committee on Public Works
Chairman of Committee on Agriculture and Environment
Chairman of Committee on Public Health and Welfare
Chairman of Committee on Miscellaneous Subjects
Chairman of Committee on Labor
Chairman of Committee on Urban Affairs
Chairman of Committee on Constitutional Revision and Recreation

Emergency Succession Sec. 50-503 (7)

Sec. 7. Powers of Presiding Officer, Restrictions. All the powers herein conferred on the President shall be exercised by the presiding officer, except the authority to sign bills or resolutions passed by the Legislature.

Const. Art. III, Sec. 14.
Addressing the Chair. Rule 2, Sec. 7, page 9.
Duties Sec. 50-113.

Sec. 8. Alternate Presiding Officers. The President may name any member to perform the duties of the presiding officer, but such delegation shall not extend beyond adjournment. When possible the order for delegation of the presiding officer shall be as set forth in Sec. 6, supra.

Sec. 9. Convening of Legislature, Quorum. The President shall take the chair each legislative day at the hour to which the Legislature shall have adjourned at the last sitting. He shall call the Legislature to order, and a quorum being present, shall proceed in the manner and order prescribed by these rules. A majority of the members elected to the Legislature shall constitute a quorum.

Const. Art. III, Sec. 10.

Sec. 10. Absence of Quorum. If the President finds that a number less than a quorum is present, he shall so state, and a majority of the members present, if five in number, may compel the presence of all members subject to a call of the Legislature.

Sec. 11. Order and Decorum. The President shall preserve order and decorum, and in case of disturbance or disorderly conduct in the galleries, or in the lobby, may cause the same to be cleared.

Consent to enter Chambers. Rule 2, Sec. 3, page 8.

Sec. 12. President Decide Order of Speaking. The President may speak to a point of order in preference to members, and shall decide the questions or order, subject to an appeal to the Legislature by any member, on which appeal no member may speak more than once, unless by leave of the Legislature. A majority of the elected members may overrule the chair.

Sec. 13. Signing of Bills and Resolutions. The President shall sign, in the presence of the Legislature, while the same is in session and capable of transacting business all bills and resolutions passed by the Legislature. All writs, warrants and subpoenas issued by order of the Legislature shall be under his hand and seal, and attested to by the Clerk.

RULE 1

Only Lieutenant Governor or Speaker may sign bills. Const. Art. III, Sec. 14.

Sec. 14. Lieutenant Governor Voting When. The Lieutenant Governor, when presiding, shall vote only when the Legislture is equally divided.

Const. Art. III, Sec. 10.

C. Speaker

Sec. 15. Speaker, Presiding, Privilege. The Speaker shall preside over the Legislature at such times and circumstances as is above set forth. He shall be privileged to speak at any stage of proceedings at any time incident to the duties and responsibilities of his office.

Distribution of material by Clerk. Rule 2, Sec. 3f, page 9.
Excuse attendance at committee hearing. Rule 2, Sec. 4, page 9.
Power to refer bill back to committee. Rule 6, Sec. 2g, page 29.
Signing of bills. Const. Art. III, Sec. 14.

Sec. 16. Report Order of Bills. The Speaker with the approval of the Executive Board shall report to the Legislature the order in which bills and resolutions shall be considered on General File. His orders as approved are final unless changed by a majority vote of the elected members of the Legislature. General appropriation bills shall be given precedence over all other bills.

For motions to expedite. Rule 6, Sec. 2, page 28.

D. Clerk of the Legislature

Sec. 17. Duties, Journal, Report on Employees. (a) The Clerk of the Legislature shall attend sessions, call the roll and keep Journal of proceedings.

(b) The Clerk of the Legislature shall print no paper or document, except bills and the daily journal, unless authorized by a majority vote of the elected members of the Legislature, or by the Executive Board.

Preprinting of Bills. Rule 5, Sec. 3, page 22.

(c) The Clerk of the Legislature shall make a detailed and itemized report to the Legislature each month concerning the number of employees and the amount paid for their services, especially setting out the amount of regular time and overtime, and to whom paid.

(d) The Clerk of the Legislature shall have general charge, except as may be provided by law or by rule, of such parts of the Capitol and its passages as are or may be set apart for the use of the Legislature and its officers and employees.

(e) No communications or letters shall be read by the Clerk of the Legislature unless authorized by the Speaker or the Reference Committee.

General Duties. RRS 50-114
Distribute material, when authorized. Rule 2, Sec. 3f, page 9.
Fiscal notes, attach to bills. Rule 5, Sec. 6d, page 25.
Lobby Registration. RRS 50-308 to 50-318.
File Administrative Rules. RRS 84-904.

Sec. 18. Journal, Governor's Messages, Amendments. (a) The Clerk shall prepare a daily journal of the proceedings of the Legislature, which shall be printed and placed each day upon the desks of the members, and the presiding officer shall call in the regular order of business for corrections thereof. After corrections, if any, are made the journal shall stand approved without motion.

For order. Rule 7, Sec. 1b, page 35.

(b) The Clerk shall enter in the daily journal messages of the Governor in full, titles of bills, every vote, including the yeas and nays, and a brief statement of the contents of each resolution, petition and memorial or other paper presented for the consideration of the Legislature.

Constitutional Amendment-print in full. Const. Art. XVI. Sec. 1.

(c) The hour at which the Legislature adjourns shall be entered in the daily journal.

(d) All amendments for which a vote is taken shall be entered in the daily journal.

(e) Additional copies of the daily journal, to be mailed at his direction shall be supplied for the use of each member in such manner as shall be provided by the Legislature.

(f) The bound journal of the session shall be prepared from the corrected daily journal.

(g) A verbatim record of all debate and questions on all bills and resolutions, and amendments offered thereto, shall be made, transcribed and preserved, under the direction of the Clerk.

(h) A list of lobbyists who are registered shall be set forth in the journal.

RRS 50-310.
On Registration of lobbyists. RRS 50-308 to 50-318.

Sec. 19. Assistant Clerk, Duties. The Assistant Clerk shall, in the absence of the Clerk, be authorized to exercise all of the duties herein prescribed for the Clerk of the Legislature, including the signing of those papers which may require the signature of the Clerk of the Legislature.

RRS 50-115

E. Other Offices

Sec. 20. Sergeant-at-Arms. (a) The Sergeant-at-Arms shall attend the Legislature during its sittings, to execute the commands of the Legislature from time to time, together with all such processes issued by authority thereof as shall be directed to him by the presiding officer, and shall enforce strictly the rules as they relate to privileges of the Legislative Chamber.

RRS 50-116

(b) The Assistant Sergeant-at-Arms shall assist the Sergeant-at-Arms and in the absence of the latter, shall perform all of the duties herein prescribed for the Sergeant-at-Arms.

(c) Such other security guards as may be necessary shall be under the direction of the Speaker.

Compel attendance at committee hearing. Rule 2, Sec. 4, page 9.

Sec. 21. Chaplain. The Chaplain shall attend and shall open with prayer each day's sitting of the Legislature.

RRS 50-120

Sec. 22. Other employees, Hiring of. The Executive Board of the Legislative Council shall hire all employees of the Legislature except those subject to the procedure in Rule 1, Sec. 2. The salaries of permanent employees shall be determined by the Executive Board subject to the limits of the appropriation bill. The Executive Board subject to the limits of the appropriation bill. The Executive Board shall submit a salary schedule the first day of each session to the Legislature for all temporary employee positions. Such salary schedule shall be considered adopted unless rejected or amended by a majority of the elected members. No further adjustments in individual salaries for temporary employees need to be submitted to the Legislature for that session.

RRS 50-112

RULE 2–RULES OF PROCEDURE

Section 1. Rules, Matters Not Covered. These rules shall govern the Legislature. In all matters not covered herein, the Legislature shall decide as to the procedure to be followed, the same to require the concurrence of a majority of the elected members.

Overruling the Chair. Rule 1, Sec. 12, page 3.
Presiding officer, duties. RRS 50-113.

Sec. 2. Rules, Suspension, Amendment. These rules may only be suspended by a three-fifths majority of the elected members by a machine vote, and may be amended by a three-fifths majority vote of the members elected; Provided, any proposed amendment must first be referred to the Committee on Rules for consideration and report.

Sec. 3. Chambers, Guests, Distributions of Material. (a) The Legislative Chamber shall consist of the entire floor of the Legislative Chamber including the space under the balcony on either side adjacent thereto, or any other space designated by the Legislature or the Executive Board thereof.

(b) No person shall be admitted to the floor of the Legislature, as described in this rule, except the following:

(i) Members of the Legislature and their immediate families,
(ii) Officers and employees of the Legislature
(iii) Reporters of regularly accredited newspapers and broadcasting stations.

(c) The Governor, state officers, former legislators and other distinguished visitors may be admitted to the floor upon permission from the chair.

State officials appearing before committees. Rule 3, Sec. 6, page 12.

(d) No one shall be permitted to be seated beside members of the Legislature except members of their immediate families upon permission from the chair. When bills are being read on Final Reading, no one shall be permitted to be seated beside members of the Legislature.

(e) No person, other than those hereinbefore excepted, shall be admitted to the members' cloak room or post office, unless accompanied by a member.

(f) No printed or written material of any nature may be placed on the desks of the members or distributed to them in the Legislative Chamber, unless such material clearly indicates on its face the person responsible for its distribution. The distribution must be approved by at least one member of the Legislature. The Speaker may authorize the Clerk to distribute material prepared by state agencies.

(g) Members shall remain in their seats during the Final Reading of a bill and until the vote thereon has been announced, except when excused by the President.

Sec. 4. Attendance at Sessions. (a) Every member shall be present within the Legislative Chamber during the meetings of the Legislature and shall attend the regular meeting of the standing committee of which he is a member, unless excused by the Legislature, the Speaker, or the committee chairman. Members who have been excused by the Legislature or the Speaker shall notify their committee chairman that they will be absent.

(b) The presence of any member may be compelled, if necessary, by sending the Sergeant-at-Arms, or such other person or persons as the membership present may authorize, at the expense of such absent member, unless such excuse for nonattendance is made as the Legislature may judge sufficient, and in that case the expense shall be paid out of the contingent fund.

Sec. 5. Absent Members, Explanation of Vote. Absent members may have inserted into the Journal how he would have voted had he been present.

Sec. 6. Expulsion of Members. No member shall be expelled except by a vote ot two-thirds of all members elected to the Legislature, and no member shall be twice expelled for the same offense.

Const. Art.III, Sec. 10.

Sec. 7. Senator Desiring to Speak. (a) When a member desires to speak in debate or to deliver any matter to the Legislature, he shall rise from his seat and respectfully address himself to "Mr. President." A member shall speak only when recognized and shall confine himself to the question before the Legislature.

(b) No member shall interrupt the business of the Legislature nor speak to another who has the floor, except when he may yield to a question. No member shall rise to a question of privilege for the introduction of guests while a member is speaking. Visitors may be introduced only upon written notice to the presiding officer, who shall then recognize the introducer at a proper time. No member shall use profane or abusive language when speaking to or about another member.

Sec. 8. Transgression of Rules, Call Member to Order. If any member, in speaking or otherwise, transgresses the rules of the Legislature, the presiding officer shall, or any member may, call him to order, in which case he shall immediately sit down, unless permitted on motion of another member to explain, and the Legislature shall, if appealed to, decide the case without debate. If the decision be in favor of the member called to order, he shall be at liberty to proceed, but not otherwise, and if the case requires it, he shall be liable to censure or such punishment as the Legislature may deem proper.

Sec. 9. Words Excepted To. If a member is called to order for words spoken in debate, the member calling him to order shall indicate the words excepted to, and they shall be taken down in writing at the Clerk's desk and read aloud to the Legislature, but he shall not be held to answer, nor be subject to the censure of the Legislature therefore, if further debate or other business shall have intervened.

Sec. 10. Time Limit on Speaking. No member shall speak more than twice, nor for more than ten minutes on each occasion, upon any one question in debate during the same legislative day, without leave of the Legislature, except in explanation, unless he be the mover, proposer or introducer of the matter pending, in which case he shall be permitted to speak in reply, but no until every other member choosing to speak shall have spoken.

Sec. 11. Personal Privilege. Personal privilege shall be, first, those affecting the rights, dignity and integrity of the Legislature collectively; and second, the rights, reputation, and conduct of members individually. They shall have precedence over all other questions except motions to adjourn. Personal privilege shall not be used to permit any discussion or debate pertaining to any measure pending before the Legislature. All questions of privilege shall be channeled through the presiding officer, who shall determine their order of consideration.

RULE 3–COMMITTEES

Section 1. Standing Committees Defined. All committees with regular meeting times shall be identified as Standing Committees. The membership of all Standing Committees shall be appointed at the beginning of each session beginning in odd-numbered years and shall continue until the regular session in the next subsequent odd-numbered year.

Sec. 2. Standing Committees, Permanent. The Standing Committees and the number of members shall be as follows:

Agriculture and Environment	8 members
Appropriations	9 members
Banking, Commerce and Insurance	8 members
Constitutional Revision and Recreation	7 members
Education	8 members
Government, Military and Veterans Affairs	8 members
Judiciary	8 members
Labor	7 members
Miscellaneous Subjects	8 members
Public Health and Welfare	7 members
Public Works	8 members
Revenue	8 members
Urban Affairs	8 members

The Speaker shall not be a regular member of any standing committee.

All committee members shall be nominated by the Committee on Committees in such manner as is hereafter set forth.

Committee on Committees. Rule 3, Sec. 18, page 14.
Budget–Governor's Bill, introduction. Rule 5, Sec. 7, page 22.
Chairman, Appropriation Committee, Member Executive Board. RRS 50-401.01.

Sec. 3. Chairman, Vice-Chairman. (a) The Chairman of each committee shall be selected by secret ballot on the floor of the Legislature.

(b) Each standing committee shall elect from its membership a vice-chairman to serve in the absence of the chairman.

Sec. 4. Meeting Times. Standing committees shall meet at 2:00 p.m., unless otherwise ordered by the Legislature. Any committee chairman before deciding not to hold committee meetings or a committee meeting on an assigned day, must receive permission from the Reference Committee.

Reference Committee. Rule 3, Sec. 19, page 17.
Excuse from attendance. Rule 2, Sec. 4, page 9.

Sec. 5. Public Hearing, Notice. Before taking final action on a bill or resolution, a committee shall hold a public hearing thereon and shall give at least seven calendar days' notice, after the bill shall have been printed, by publication in the Legislative Journal, of the date and time of said hearings. No bill, having been set for public hearing, shall be withdrawn, nor the hearing canceled, within seven calendar days of the date set for said public hearing, except for hearings held during the first 20 legislative days of each session, there shall be required only 5 calendar days notice of said hearing or withdrawal of said bill.

Reference of bill to committee. Rule 3, Sec. 20, page 18.
Withdrawal of bills before hearing. Rule 5, Sec. 11, page 27.

Sec. 6. State Officials Appearing Before Committees. State officials and department heads, or their designee and state employees may appear before any legislative committee.

State officials appearing on chamber floor. Rule 2, Sec. 3, page 8.

Sec. 7. Executive Sessions, Press. Executive sessions of standing committees shall be open to the news media.

Reports on votes by a committee shall be as follows:

1. The vote of an individual Senator on all motions may be reported.

2. The Press may report the vote of individual Senators by name on any motion.

Privilege of press on floor. Rule 2, Sec. 3biii, page 8.

RULE 3

Sec. 8. Consideration and Correlation of Bills. Standing committees shall consider and report without unnecessary delay all bills and resolutions referred to them. Standing committees shall be authorized to combine and to correlate the provisions of different bills referred to them and related to the same subject under the number of one of the correlated bills, and may, before taking final action on any bill, adopt amendments thereto, for the consideration of the Legislature.

The chairman of each committee shall take into consideration the importance, need for, and passage of the bills referred to his committee and set the bills for hearing accordingly.

Review of workload by Committee on Committees. Rule 3, Sec. 17f, page 16.

Sec. 9. Debate before Committees. Each standing committee shall keep a record of its proceedings. Any two members of the committee may demand a roll call upon the reporting of any bill, or upon amendments thereto. The vote so taken shall be made a part of the committee report.

Sec. 10. Request from Committee, Bills Held. (a) Except for the general appropriation bills necessary for the support of the state government for the biennium, the Legislature may, by vote of a majority of the elected members, request a report from any standing committee at any time after said committee shall have been in possession of a bill or resolution for twenty legislative days.

(b) Any Senator may move that a bill be placed on General File twenty days or more after the committee hearing, and by a vote of a majority of the elected members, said bill shall be placed on General File.

(c) Any time the introducer of a bill attempts to take a bill from committee to be placed on General File, the bill shall stand indefinitely postponed if the motion fails to receive a majority vote of the members elected to the Legislature.

Sec. 11. Report of Bill to Legislature. In reporting a bill to the Legislature, whether with or without amendments, a standing committee shall, by vote of a majority of its members, recommend that the bill be placed on General File or that the bill be indefinitely postponed. Such action shall be taken at regularly scheduled committee meetings only. A report on a bill or resolution must be made to the Legislature within eight calendar days after the committee has acted upon the particular measure. No bill shall be reported by the committee to be placed on General File unless the amendments, if any, are approved as to form and draftsmanship by the bill drafter.

Sec. 12. Indefinitely Postponed Bills. If the standing committee report on a bill be to postpone indefinitely, the bill shall stand indefinitely postponed; Provided, that such bill may be placed on General File or referred back to the standing committee by a majority vote of the elected members upon motion made within three legislative days after the committee makes its report to the Legislature, or by a two-thirds vote of the elected members upon motion made more than three legislative days after such committee report. Not more than one bill shall be raised from committee on any one motion. A motion to raise cannot be amended to include any other bill or subject matter. A motion to raise must be disposed of by the Legislature within five legislative days after making the same or it shall be deemed defeated. Consideration of motions pending shall be included in the regular order of business following resolutions.

Sec. 13. Statement of Intent. Each standing committee with the assistance of the legislative staff shall, when reporting a bill, submit therewith a brief statement of the main purpose and the provisions of the bill, and, if recommended to General File, a copy of all amendments recommended by the committee. Such statement shall give the committee's reason for so reporting. A minority view signed by whoever proposed it may also be given. Copy of amendments shall be furnished to the members. On a motion to report the bill to the floor the majority report shall reflect the voting record of each Senator.

Sec. 14. Temporary Appointments. (a) When a member is unable to serve, the chairman of such committee after a majority vote of the remaining members shall request to fill such vacancy or vacancies. The request shall be made to the Committee on Committees and such Committee shall appoint either the Speaker, or a member from a regular standing committee having eight members to fill such vacancy or vacancies.

(b) A temporary appointment may be made by the Chairman of the Committee on Committees for only one day when requested by a chairman of a regular standing committee which lacks a quorum. When a member is appointed from an eight-member committee the consent of the member to be appointed shall first be obtained. The temporary appointee shall have the right to vote only on the bill or bills that actually have been heard by the appointee and provided that the vote is taken on such bills on the day the bill or bills are heard. When such appointment is made in case of an incapacitated member or members, such appointee shall cease to be a member of such committee upon the return of the incapacitated member for whom he was appointed.

Sec. 15. Select Committees, Defined. All permanent committees without a regular meeting time shall be identified as select committees. The members of all select committees shall be appointed by the Committee on Committees unless otherwise provided for by statute or rule.

Sec. 16. Select Committees, Named. The permanent select committees shall be as follows:

Committee on Committees	13 members
Enrollment and Review	1 member
Reference	9 members
Rules	5 members

Committee on Committees. Rule 3, Sec. 17 , page 16.
E & R. Rule 3, Sec. 18 , page 16.
Reference Committee. Rule 3, Sec. 19 , page 18 .
Rules Committee Review of Amendment to Rules. Rule 2, Sec. 2, page 8.

Sec. 17. Committee on Committees. (a) At the commencement of each session, the Legislature shall elect a Committee on Committees to consist of thirteen members, one at large who shall be chairman, and three from District No. 1 consisting of legislative districts Nos. 1 through 3, 25 through 30, 32, 45 and 46; three from District No. 2 consisting of districts Nos. 4 through 14, 20 and 31; three from District No. 3 consisting of legislative districts 15 through 19, 21 through 24, 34, 35 and 40, and three from District No. 4 consisting of legislative districts 33, 36 through 39, 41 through 44 and 47 through 49.

(b) The Committee on Committees by a majority vote of all of its members, shall recommend to the Legislature for its approval appointments to the standing and select committees, each with the number of members as set forth, unless otherwise provided for herein or by statute.

(c) Committee on Committees shall publish a schedule of regular standing committee meetings, in such manner as to avoid, as far as possible, conflicts in the assignment of members to such committees.

(d) All nominations made to the Legislature by the Governor, requiring confirmation by the Legislature, shall be referred to the Committee on Committees, and the same procedure shall be followed as governs the handling of other matters before standing committees, unless the Legislature shall otherwise direct by unanimous vote.

(e) The Chairman of the Committee on Committees shall daily report the number and identity of any bills held by a committee when said committee has taken action on said bill more than eight days prior thereto. Said report shall be set forth in the Journal.

(f) The Committee on Committees shall have authority to call before it a committee chairman, and discuss the workload of said committee. They shall hear and dispose of all written complaints filed with said committee by a Senator against any committee chairman. The Committee on Committees shall conduct said hearing in accordance with its own rules.

See Rule 3, Sec. 3(a) for selection of Chairman.
See Rule 3, Sec. 3(b) for selection of Vice-Chairman.

Sec. 18. Enrollment and Review. (a) The Chairman of Enrollment and Review shall be in order at any time in reporting bills which have been engrossed for Final Reading and passage. In the absence of the Chairman, the Vice-Chairman of the Judiciary Committee shall assume the duties of the Chairman of the Enrollment and Review Committee.

(b) The bill drafting service shall have supervision of and provide legal services for Enrollment and Review Committee.

(c) The Chairman of Enrollment and Review shall have authority, without being required to include the same specifically in his reports and recommendations to the Legislature, in accord with accepted usage:

RULE 3

i To correct the spelling of words, to correct erroneous division and hyphenation of words, to capitalize or decapitalize words, and to change numbers from words to figures or from figures to words, in new and independent acts, in the new matter of amendatory acts, in standing committee reports, and in General File, Select File and specific amendments.

ii To underscore or remove underscoring, as the case requires, in standing committee reports and in General File, Select File and specific amendments.

iii When an amendment to add the emergency clause is adopted on Select File which does not spell out the standard emergency clause and make the necessary change in the title, the Chairman of Enrollment and Review shall also have the authority to add to the engrossed bill the standard emergency clause, assigning to it the appropriate section number, and make the necessary change in the title as a matter of course without including such action in his reports and recommendations to the Legislature or making any special record thereof.

For amendments to title. Rule 7, Sec. 3c, page 37.

For engrossment of bill. Rule 5, Sec. 9, page 26.

Sec. 19. Reference Committee. The Executive Board shall constitue the Reference Committee. The Reference Committee shall review each bill and resolution and either refer the bill to a standing committee or to General File.

Those placed on General File will be bracketed for five calendar days, and if one Senator requests a public hearing on one or more of these bills, they will then be referred to a committee. Bills on General File for which public hearings have not been requested will be handled as all bills on General File.

Reference of resolutions. Rule 4, Sec. 9, page 21.

Sec. 20. Objection to Reference of Bills. Any member may object to the reference of any bill or other proposition, and correction in case of error in reference may be made by the Legislature on any legislative day, immediately following corrections of the daily journal, by unanimous consent, or by the vote of a majority of the elected members.

Sec. 21. Special Committees. Special committees shall include all permanent committees other than standing or select committees. The Special Committees shall include but not limited to the following:

Intergovernmental Cooperation. RRS 81-816	5 members
Nebraska Retirement Systems. RRS 50-416	5 members
Conflict of Interest. RRS 49-1105	4 senate members
Law Enforcement and Justice Advisory Committees, Judiciary Committee. RRS 50-601	8 members
Nebraska Transportation Advisory Committe RRS 50-421	5 members
Compact on Education. RRS 79-2504	4 members (Chosen by Legislature)

Sec. 22. Investigating Committees. The Committee on Committees may appoint other select committees when authorized by the Legislature. No investigating committee of the Legislature shall be created except by resolution which shall set forth, with supporting statements, the reasons for and the purposes of the investigation, and no committee thus established shall function except during the interim between legislative sessions.

Sec. 23. Nebraska Retirement Systems Committee. The Nebraska Retirement Systems Committee together with the chairman of the Appropriation Committee shall function during each legislative session as a special committee of the Legislature, shall have jurisdiction over all bills proposing new or amending existing retirement systems of the state and its political subdivisions. All rules of procedure and operation of the standing committees shall apply, except as to a date certain for holding hearings.

RRS 50-416

Sec. 24. Intergovernmental Cooperation. In addition to the members of the Intergovernmental Cooperation Committee chosen in accordance with Sec. 81-816 the Executive Board may appoint alternate members to serve on such assignments as the Chairman shall direct.

RULE 4—RESOLUTIONS AND MEMORIALS

Section 1. Identifications. A resolution shall be designated as Legislative Resolution ____. The resolutions shall be numbered consecutively through odd and even numbered sessions.

Sec. 2. When Considered as a Bill. Resolutions which propose amendments to the state constitution, propose the ratification of amendments to the federal constitution, or the rejection, change, alteration, amendment, or modification of rules under the provisions of section 84-504, Reissue Revised Statutes of Nebraska, 1943, shall be considered and adopted in the same manner as bills.

Const. Art. III, Secs. 13, 14; Art. XVI, Sec. 1.

Sec. 3. Study Resolution. Resolutions which propose that studies be made by the Legislative Council shall be first referred to the Executive Board of the Legislative Council, this Board to submit a report with each resolution recommending that the proposed study be made or rejected. The Executive Board of the Legislative Council shall determine the time and number of interim studies. All such studies authorized by the Legislature shall be referred to the appropriate permanent standing or special committee by the Executive Board.

RRS 50-404

Sec. 4. Only those resolutions specified in sections 2 and 3 of this Rule shall be voted on by the Legislature.

Sec. 5. All other resolutions shall be read by the Clerk upon introduction and shall be printed in the Legislative Journal. The Clerk shall hold all such resolutions until the fifth legislative day after introduction or until the last day of the session, whichever first occurs, during which any member may add his name as introducer thereof. The Clerk shall retain the original of all such resolutions in his file and, if called for in the resolution, make and dispose of copies thereof accordingly.

Sec. 6. Only those resolutions specified in sections 2 and 3 of this Rule shall be engrossed.

Sec. 7. Reviving Resolution Killed by Committee. If the standing committee report on a resolution be to postpone indefinitely the resolution shall stand indefinitely postponed; Provided, that such resolution may be considered by the members of the Legislature or referred back to the standing committee by a majority vote of all the elected members upon motion made within three legislative days after the committee makes its report to the Legislature, or by a two-thirds vote of all elected members upon motion made more than three legislative days after such committee report. Not more than one resolution shall be raised from committee on any one motion. A motion to raise cannot be amended to include any other resolution or subject matter.

For public hearing. Rule 3, Sec. 5, page 12.

Sec. 8. Printing. The Clerk shall have resolutions printed only when directed by the Legislature or by the Speaker.

Sec. 9. Reference of Petitions to Committees. Every petition, memorial, or other paper shall be referred to the proper committee without putting a question for that purpose, unless the reference be objected to by a member at the time such petition, memorial or other paper is presented, in which case the Legislature shall decide the question of reference.

Sec. 10. Explanations of Memorial. Before any petition or memorial addressed to the Legislature is received and read at the table, whether the same be presented by the presiding officer or a member, a brief statement of the contents of the petition or memorial may be verbally made by the introducer.

Emergency seat of government; Resolution providing for, must be signed by Governor. RRS 23-2103. 1943. by Governor.

RULE 5–BILLS–GENERAL PROVISIONS

Section 1. Drafting of Bills The bill drafter shall prepare all bills and amendments in proper form when requested by members of the Legislature or heads of executive departments. No bills or major amendments shall be introduced or considered unless the same has been approved as to form and draftsmanship by the bill drafter. The bill drafter shall make available a continuing compilation of sections to which amendments are proposed so as to reduce unnecessary duplication of bills. After January 1 of each year for which there is a regular session no bill shall be drafted by the bill drafter unless requested or authorized by a member of the Legislature.

Sec. 2. Content and Form of Bills. (a) A bill shall be designated as Legislative Bill No. .

Style of Bill. Const. Art. III, Sec. 13.

(b) No bill shall contain more than one subject, and the same shall be clearly expressed in the title. No law shall be amended, unless the new act contains the section or sections as amended, and the section or sections so amended shall be repealed.

Const. Art. III, Sec. 14.

(c) An amendatory bill or constitutional provision shall be so prepared and printed as to show the new matter proposed, old matter to be retained, and old matter to be omitted from the Statutes or Constitution.

Sec. 3. Revisor Correctional Bills, Pre-Printing. (a) Preceding each legislative session, the Chairman or any member of the Executive Board of the Legislative Council, or if the Executive Board so requests, the Senator who, in the preceding session served as Chairman of the Judiciary Committee, shall sign as introducer the Revisor of Statutes correctional bills. The Clerk of the Legislature shall number these bills consecutively beginning with number 1 and shall show the committee reference to be General File. The Clerk of the Legislature shall have these bills printed before the convening of the next regular session.

(b) In addition to causing to be printed the revisor bills the Clerk shall number and cause to be printed all bills delivered to him by the Executive Board, provided said Board has referred said bills to a standing committee. No bill so printed shall be withdrawn until after the Legislature convenes.

Sec. 4. Introducers Signing Bills. Members shall introduce only such bills as they are willing to endorse and support personally. Not more than three Senators shall sign any single bill; Provided that, this limitation shall not apply to committee bills, to Legislative Council bills, and to Revisor of Statutes correctional bills. The last name and district shall be used, unless an initial or name is necessary to identify the introducer. Any additional signers shall be by the suspension of the rules with a machine vote and cannot be made by a unanimous consent motion.

Sec. 5. Introduction of Bills, Twenty Day Limitation. (a) Except as provided in Rule 5, Sec. 6, no bill shall be introduced after the twentieth legislative day during regular sessions in odd-numbered years and after the tenth legislative day during regular sessions in even-numbered years, except upon recommendation of the Governor, or by a majority of the members of a standing committee whose names shall be affixed to the bill and approved by a vote of three-fifths of the elected members of the Legislature.

(b) Before an individual member may apply to a committee for introduction of a bill, he must first submit the bill to the Reference Committee. The Reference Committee shall determine which committee of the Legislature the subject of the bill is germane to. The bill shall then be submitted to the committee designated by the Reference Committee. Having completed consideration of the proposed bill, the standing committee shall return the bill to the Reference Committee for approval and authorization to submit the same for introduction. If approved by the Reference Committee, the bill may be introduced as provided in Sec. 5a. Bills originating within a standing committee shall be submitted for approval and authorization to be submitted for approval.

(c) A copy of intent of a bill recommended for introduction by a committee must be placed on each member's desk before such introduction of bill is voted upon.

(d) In regular sessions each member shall be limited as an introducer or co-introducer to a total of 10 bills for the period of introduction of bills by individual members. Any bill withdrawn by a member during the introduction period shall be counted in the limitation of 10 bills; Provided, those bills introduced as a result of an interim study of the Legislative Council shall not be included in the limitation on individual members. Bills introduced under Rule 5, Sec. 3a will not be included in the limitation.

Sec. 6. Fiscal Analyst. (a) A copy of every bill introduced shall be transmitted by the Clerk to the Legislative Fiscal Analyst. The Legislative Fiscal Analyst shall review each bill and make an estimate of the anticipated change in state expenditures or revenue under the provisions of the bill. The Legislative Fiscal Analyst shall prepare a statement to be known as a fiscal note to be attached to each bill prior to its public hearing by a committee, or its first consideration on General File if the bill is referred directly to General File. The fiscal note shall set forth the fiscal impact of the bill as determined by the Legislative Fiscal Analyst. No bill which has a fiscal impact of more than five thousand dollars shall be heard by a committee or considered on General File unless the fiscal note is attached.

(b) In determining the fiscal impact of any bill, the Legislative Fiscal Analyst shall request the appropriate department or other entity of state government which will be affected by the bill to prepare the fiscal note within five calendar days.

(c) The Legislative Fiscal Analyst shall review the fiscal note prepared by the department or other entity and shall also request a review of such fiscal note by the Budget Division of the Department of Administrative Services. The statement by the Budget Division of the Department of Administrative Services shall be attached to and become a part of the fiscal note. The Legislative Fiscal Analyst shall include in the fiscal note any exceptions to the conclusions of the department or other entity and of the Budget Division of the Department of Administrative Services.

(d) The fiscal note shall be delivered by the Legislative Fiscal Analyst to the Clerk within ten calendar days of receipt of a copy of the bill for analysis. The Clerk shall attach the fiscal note to the bill and to all copies prepared for members.

(e) When amendments to a bill are adopted by a committee or the Legislature and such amendments would change the fiscal impact of the bill, the appropriate changes shall be made in the fiscal note.

(f) When the Legislative Fiscal Analyst determines that the fiscal impact of a bill will be less than five thousand dollars, it shall not be necessary to prepare a detailed fiscal note, and the fiscal note may merely state this fact.

(g) When any bill proposes adoption of a new program or change of an existing program which would require an appropriation of $50,000 or more to implement in the ensueing fiscal year an appropriation bill for the purposes of funding the provisions of such bill shall be prepared from the information contained in the fiscal note. Such appropriation bill shall be prepared by the Fiscal Analyst and be placed on General File and considered as introduced by the introducer of the original bill at the time the original bill is reported to General File, shall bear the number of the original bill with the letter "A" added (for example LB 1A), and shall accompany the original bill through all stages of the legislative process. However, if the original bill is reported by committee to General File with committee amendments, the "A" bill shall be introduced by the committee which is reporting the original bill to the floor and placed on General File. The "A" bill accompanying the original shall include the funding required by the committee recommended amendments. No vote, suspension of the rules, or unanimous consent shall be required for the introduction of an "A" bill. No bill shall be advanced from Select File unless the "A" bill, if required, carries the necessary appropriations required by the bill.

(h) The note shall be factual in nature, as brief and concise as may be, and shall if possible provide a reliable estimate in dollars and, in addition, it shall include both the immediate effect and, if determinable or reasonably foreseeable, the long range effect of the measure. If, after investigation, it is determined that no dollar estimate is possible, the note shall contain a statement to that effect, setting forth the reasons why no dollar estimate can be given.

(i) No comment or opinion shall be included in the fiscal note with regard to the merits of the measure for which the note is prepared, however, technical or mechanical defects may be noted.

(j) The subject matter of bills submitted to boards, commissions, departments, agencies or other entities of the State by the Fiscal Analyst shall be kept in strict confidence by said agencies and by the Office of Fiscal Analyst together with the content of the fiscal note itself and no information relating thereto shall be divulged by any official or employee prior to its introduction in the Legislature.

For creation of position. RRS 50-418.
For duties of position. RRS 50-419.

Sec. 7. Governor's Budget Bills. Any budget or appropriation bill prepared for the Governor shall be shown as introduced by the Budget Committee at the request of the Governor.

Governor's Budget message.
Const. Art. IV, Sec. 7.

Sec. 8. Reading Title of Bills, Printing. Every bill and resolution shall be read by title when introduced, and a printed copy thereof provided for the use of each member, and the bill and all amendments thereto shall be printed and read at large before the vote is taken upon its final passage.

Const. Art. III, Sec. 14.

Sec. 9. Engrossment of Bills. All bills, before being advanced to Final Reading and passage, shall be engrossed, and copies thereof showing new and stricken matter shall be made available to members.

Sec. 10. Expenditure of Legislative Funds. Those expenditures to which the Legislature votes shall require the approval of the majority of the elected members.

Salaries of employees. Rule 1, Sec. 22, page 6.

RULE 5

Sec. 11. Withdrawal of Bills. No bill, having been introduced may be withdrawn except upon motion of the first introducer with the consent of his co-introducers. Such motion, when made, shall not be considered prior to the next succeeding legislative day, and, for its adoption, shall require the affirmative vote of a majority of those voting upon the question.

Withdrawal of bills set for hearing. Rule 3, Sec. 5, page 12.

Sec. 12. Division of Bills, Prohibited. No bill shall be divided into two or more bills.

Sec. 13. Holding of Bills. Unless otherwise disposed of, all bills on which no final action has been taken by the time of adjournment of the regular session in odd-numbered years shall be held over and retain their place on file for consideration at the regular session convening in even-numbered years. Bills still held in committee shall be considered IPP.

RULE 6—BILLS—STAGES OF CONSIDERATION

Section 1. Introduction of Bills. Starting with regular sessions in odd-numbered years, bills shall be numbered consecutively starting with the number 1. Bills introduced in regular sessions in even-numbered years shall start with the number following the number of the last bill introduced in the preceding regular session of an odd-numbered year, (bills introduced in any Special Session shall start with the number 1) and shall be numbered consecutively as read by the Clerk. After introduction the Clerk shall deliver bills requiring reference to the Reference Committee.

Sec. 2. General File. (a) The Clerk of the Legislature shall read the number and the title of the bill and the name of the principal introducer as it comes up for consideration on General File. A bill will not be read section by section unless requested by a member of the Legislature.

(b) Each section shall be open to amendment. The amendments, if any, recommended by standing committees, shall first be considered. The introducer's amendments, if any, shall next be considered, after which he may move to advance and explain the bill. Other amendments and motions permitted by these rules may then be offered and shall be considered after the introducer has explained the bill in the order in which they are filed with the Clerk, subject to the provisions of Rule 7, Sec. 3.

(c) Bills shall be listed and considered on General File in the order in which they shall be reported from the standing committees, except as modified by the Speaker; Provided, that any bill that comes up for debate for a second time, with the introducer present, shall be placed by the Clerk at the bottom of General File if said introducer asked for further time, unless otherwise directed by the Speaker.

Speaker determine order of bills. Rule 1, Sec. 16, page 4.

(d) During consideration of bills on either General or Select File, any member may move that the bill be passed over once and if the motion is carried by a majority of those voting, the bill shall be passed over and shall retain its place on the file.

RULE 6

(e) In the event a motion to indefinitely postpone a bill is made before the bill is read on General File, such motion shall require the affirmative vote of a majority of the elected members.

(f) In the event a bill has become substantially a new and different bill by reason of amendments having been adopted, the Speaker may refer said bill to the Reference Committee who must refer the said bill to a proper committee for a public hearing; Provided, that a majority of the elected members may overrule the decision of the Speaker.

(g) If in the opinion of the Speaker, the bill is in such form that it should properly be referred back to committee for further action he may by order direct the same; Provided, that a majority of the elected members may overrule the decision of the Speaker.

The following votes shall be required to adopt the following motions affecting bills on General File:

UC-Unanimous Consent; MEM-Majority of Elected Members; MTV-Majority of those voting.

GENERAL FILE

On introduction of bill, Motions to		
Add names as introducers	UC	5-4-23
More than 3, Suspension of Rules		
Place on General File without public hearing	MEM	3-19-17
Withdraw bill	UC or MTV	5-11-27
On consideration of bill on General File		
Move to pass over	MTV	6-2d-28
Move to change order	MEM	
Move to IPP before bill is read	MEM	6-2e-29
Move to IPP after bill is read	MTV	
Move to Advance to E & R Review	MEM	6-3-30
Move to return to Committee	MEM	
Move to Reconsider		
(within one legislative day thereafter)	MEM	7-7a-39
(if after one legislative day, by suspension of the rules only)		7-7a-39
Move to expedite	UC	
Move to amend	MTV	
Move to amend the Amendment	MTV	
Move to withdraw bill-first introducer	UC or MTV	5-11-27

RULE 6

If returned from Select File		
Motion to return to Select File	**MEM**	**6-4d-30**
Motion to amend	**MTV**	
Motion to advance	**MEM**	**6- 3 -30**
Move to return to E & R for Engrossing	**MEM**	**6-4d-30**
Defeated bill, motion to reconsider	**MEM**	**7- 7 -39**
Returned from Final Reading		
Advance to Final Reading (if no amendments)	**MEM**	

Withdrawal of bills. Rule 3, Sec. 5, page 12.

Sec. 3. Enrollment and Review. Bills when advanced to Enrollment and Review shall be reviewed for recommendations relative to arrangement, phraseology and correlation. Advancement to Enrollment and Review from General File for such purpose shall require a majority of the elected members. A motion to return to General File from Enrollment and Review shall, for adoption, require the concurrence of a majority of the elected members.

Sec. 4. Select File. When the Legislature considers bills on Select File, any of the following motions shall be in order.

(a) A motion to approve or reject any or all of the changes recommended by the Chairman of Enrollment and Review.

(b) A motion to adopt a unanimous consent amendment, to which no objection shall be offered. When a motion is made to adopt a unanimous consent amendment, the mover shall be required to explain the amendment sought.

(c) A motion to recommit to the proper standing committee.

(d) A motion to recommit to General File for one or more specific amendments. If such a motion is adopted, the bill shall be transferred forthwith to the head of the General File where consideration of the specific amendment shall be the first order of business on that file. After disposition of the amendment, the bill may be readvanced to Enrollment and Review for any action which could originally have taken place. If the bill is readvanced, it shall be given priority consideration by the Chairman of Enrollment and Review. If the bill is not altered, it may be advanced to Enrollment and Review for engrossment.

RULE 6

(e) A motion to postpone indefinitely.

(f) Motions made pursuant to subsections c, d, and e hereof may be adopted only upon the affirmative vote of a majority of the elected members.

Amendments recommended by Enrollment and Review shall not be read by the Clerk except upon the request of a member of the Legislature.

Notwithstanding any other provision contained in this section, if the Enrollment and Review Committee returns a bill to Select File from engrossment, then only the specific enrollment and review amendments may be considered.

The following votes shall be required to adopt the following motions affecting bills on Select File:

SELECT FILE

Motion to advance to E & R for Engrossing	MEM	
if machine vote requested	MEM	6-4d-30
Motion to act on E & R Amendment	MTV	6-4a-30
Motion to amend by unanimous consent	UC	6-4b-30
Motion to recommit to a Standing Committee	MEM	6-4d-30
Motion to return to General File for any amendments	MEM	6-4d-30
Motion to Indefinitely Postpone	MEM	6-4e-31
On bill returned from E & R Engrossing and Final Reading		
Motion to return for specific amendment	MEM	6-5-31
Motion to adopt specific amendment	MEM	6-5-31

Sec. 5. Return to Select File. On a motion to return a bill to Select File for a specific amendment, a majority of the elected members must concur. No other amendment shall be considered when the bill is so returned.

Sec. 6. Final Reading. No bill shall be voted on for final passage until:

(a) After five legislative days following the introduction of the bill.

RULE 6

(b) Two legislative days after its reference to Final Reading File.

(c) Printed copies of the bill in its final form, as amended, shall have been available to members and on their desks for at least one legislative day.

Const. Art. III, Sec. 14.

Sec. 7. Final Reading, Motions. On Final Reading the bill shall be read at large with all amendments thereto before the vote is taken. At any time before the roll call shall have begun on Final Reading of the bill, it shall be in order to move:

(a) To recommit the bill to Enrollment and Review to correct an error and for re-engrossment.

(b) To recommit the bill to the proper standing committee, with or without instructions.

(c) To recommit the bill to Select File for specific amendment, which amendment may be adopted by a vote of a majority of the elected members; Provided, however, if the proposed amendment be to add the emergency clause, it may only be adopted by a vote of two-thirds of the elected members.

Members to remain in their seat. Rule 2, Sec. 3g, page 9.
No one to be seated beside member during Final Reading. Rule 2, Sec. 3d, page 8.

Sec. 8. Question on Final Reading. The question after the Final Reading of bill shall be: "All provisions of law relative to procedure having been complied with, the questions is, 'Shall the bill pass?' " If the emergency clause is contained in the bill, the words "with the emergency clause attached" shall be added to the question.

Majority of elected members required. Const. Art. III, Sec. 13.

Sec. 9. Emergency Clause, Votes Requested. When a bill containing the Emergency Clause does not receive the required two-thirds constitutional majority on Final Reading, then the emergency clause shall be considered stricken, and the bill without the emergency clause shall be pending on Final Reading, and the question then shall be, "Shall the bill pass with the emergency clause stricken?"

Const. Art. III, Sec. 27.

Sec. 10. Governor's Veto, Reconsideration. Upon the day of receipt of a message from the Governor announcing his veto of a bill, or on either of the next five legislative days, any member may move that the bill so vetoed be taken up for passage. Whereupon, the question shall be, "Shall the bill pass, notwithstanding the objection of the Governor?"

Three-fifths vote of the elected members required to pass bill over Governor's veto. Const. Art. IV. Sec. 15.

The Governor may disapprove any item or items of appropriation contained in bills passed by the Legislature, and the item or items so disapproved shall be stricken therefrom, unless repassed in the manner prescribed in case of disapproval of bills.

Const. Art. IV, Sec. 15.

Sec. 11. Bills, passed over Veto. Should the Legislature pass a bill over the objections of the Governor by the necessary constitutional majority, it shall so certify and deposit the same with the Secretary of State.

RRS 84-503.

The following votes shall be required to adopt the following motion on final reading:

FINAL READING

To return to Standing Committee	MEM	6-7-32
To return to E & R to correct an error	MEM	6-7-32
To return to Select File for specific amendment	MEM	6-5-31
Unless to add the Emergency Clause	2/3	6-7-32

RULE 6

To pass on Final Reading	MEM	6-8-32
With Emergency Clause attached	2/3	6-9-32
Motion to Reconsider (when failed on Final Reading)	3/5	7-7-39
To add the Emergency Clause	2/3	6-7-32
Override Governor's Veto	3/5	6-10-33

Constitutional Amendment. If proposition is to submit amendment to electorate at special election fails to receive 4/5 plurality, then amend bill to provide for general election when adoption is by 3/5 plurality. R.R.S. 49-236.

RULE 7–PROCEEDINGS AND MOTIONS

(A) Order of Business

Section 1. Meeting Time, Restrictions. (a) The Legislature shall meet at noon on the first Tuesday of each year and thereafter on each legislative day at 9:00 a.m., and adjourn not later than 1:00 p.m., unless otherwise ordered by a majority vote of its members present and voting thereon. The Legislature shall remain in session until it shall adjourn sine die, but in no event shall it remain in session for longer than ninety (90) legislative days in odd-numbered years or sixty (60) legislative days in even-numbered years. This limitation may be suspended by a four-fifths vote of the elected senators.

Const. Art. III, Sec. 10.

Each day the Legislature convenes shall be considered a legislative day.

(b) The order of business of the Legislature shall be as follows:

a. Prayer by the Chaplain
b. Roll call
c. Call for correction of the Journal
d. Petitions and memorials
e. Notice of committee hearings and reports
f. Bills on Final Reading
g. Resolutions
h. Introduction of bills and reading by title
i. Consideration of bills on Select File
j. Motions to reconsider
k. Motions to advance bills from committee
l. Other pending motions
m. Unfinished business, including messages on president's desk
n. Consideration of bills on General File
o. Miscellaneous business

(c) Messages from the Governor may be received at any stage of the proceedings.

(d) When a bill shall have been made a special order for a definite time and an adjournment shall intervene for a time beyond the time fixed for such special order, then in that event the bill so made a special order shall be placed in its order on General File. The unfinished business in which the Legislature was engaged at the adjournment of the last preceding sitting shall have preference in the special order of the day.

(e) Upon call for the introduction of bills, any member or any standing committee to which bills are referred for consideration may introduce one or more bills.

Introduction of bills. Rule 6, Sec. 1, page 28.

(B) Voting Machine

Sec. 2. Voting, Electric Roll Call. (a) All votes shall be taken viva voca unless otherwise provided for herein. Questions shall be distinctly put in this form, to wit: "Those who are in favor of the question say 'aye'; those who are opposed to the question say 'nay' ".

(b) If a machine vote is called for or if the presiding officer is in doubt, he shall cause the result to be obtained by means of the electric roll call system, and in such event shall accept only machine tallied votes except that voice votes shall be accepted on a motion before the House while the House is under call. The Presiding Officer may vote by voice. Only the totals shall be printed in the journal. Once having voted aye or nay, Senators may call in a change to not voting prior to the locking of the voting board.

Voice votes shall be accepted on Final Reading

(c) Upon the final passage of a bill, or of a resolution if the same required the same consideration as a bill, the vote shall be by yeas and nays, and the elcetric roll call system shall be used.

(d) Whenever the "ayes" and "nays" are taken by machine vote no member shall be permitted to vote after the decision is announced by the presiding officer or the Clerk. Votes not registered on the electric roll call system shall not be counted for or against a proposition. In announcing such vote the Clerk shall announce the ayes, the nays, those present and not voting, and those absent and not voting. Any member may request a roll call or a record vote and further that the same be verified.

(C) Motions

Sec. 3. Motions, in Writing, Withdrawal. (a) A motion shall be either stated by the presiding officer or read by the Clerk in writing before a vote is taken. All motions shall be submitted in writing if requested by the presiding officer or any Senator.

Once motions are stated they may be withdrawn or modified by the mover before a decision, amendment, or ordering of a vote has been made A motion to reconsider may be withdrawn only with unanimous consent or a majority vote of the elected members.

When a question is under debate no motion shall be considered except one of the following, which motions shall take precedence in the order stated.

a. To adjourn
b. For the previous question
c. To postpone to a time certain
d. To recommit to a committee
e. To amend
f. To postpone indefinitely

Such motions shall have precedence in the order in which they are arranged, except that motions to postpone indefinitely and amend do not yield to each other.

(b) When a motion or other proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order.

(c) Amendments to the title shall be made by the Enrollment and Review Committee.

(d) No motion, proposition or subject, different from that under consideration, shall be admitted under color of amendment.

(e) Any member may call for the division of a question, which shall be divided if it comprehends propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Legislature. A motion to strike out and insert shall be deemed indivisible, but a motion to strike out being lost, shall not preclude an amendment or a motion to strike out or insert.

(f) When motions are made for reference of the same subject to a select committee and to a standing committee, the question on reference to the standing committee shall be considered first.

Sec. 4. Shall the Debate Cease. The previous question shall be in this form, "Shall the debate now close?"

The previous question shall be in order when demanded by five or more members and must be sustained by the vote of a majority of the elected members, and until decided shall, except as provided in this section of this rule, preclude further debate and all amendments and motions, except one motion to adjourn.

On a previous question there shall be no debate. All incidental questions of order, arising after a motion is made for a previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

When the previous question shall have been ordered on a proposition under debate, the mover, proponent or introducer of such proposition shall be given the right to close the debate thereon.

Sec. 5. Call of the Legislature. A call of the Legislature must be seconded by at least five members. Thereupon, and upon call of the presiding officer, each member present shall indicate his presence upon the electric roll call system and shall remain in his seat during the call. After the Clerk shall note the names of the absentees, proceedings under the call may be suspended at any time by a majority vote of the members elected, and when so suspended shall not again be ordered on the proposition pending, except by a majority vote of the members present and voting thereon. When the Legislature has been under call for fifteen minutes, and if all absentees were to vote on one side of the question, and if their combined vote would be insufficient to change the result of the vote, the President shall declare the call raised.

Lieutenant Governor votes only when Legislature equally divided. Rule 1, Sec. 14, page 4.

Voice vote while House under call. Rule 7, Sec. 2b, page 36.

Sec. 6. Postpone to Time Certain. No motion to postpone to a time certain, to commit or to postpone indefinitely being decided, shall again be allowed on the same day at the same stage of the bill of proposition.

Sec. 7. Reconsideration. (a) When a question has been decided, it shall be in order for any member voting with the prevailing side, or not voting, to move for a reconsideration thereof. A motion to reconsider must be made on the same day the original question was decided or on the next legislative day, except when it be to reconsider the vote on a bill which lacked the constitutional majority on a Final Reading. In such case, it must be made on the same day the original question was decided or on one of the next three legislative days. A motion to reconsider must be disposed of by the Legislature within five legislative days after making the same or it shall be deemed defeated. If the Legislature shall refuse to reconsider, or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order unless by unanimous consent.

Motion to reconsider cannot be withdrawn without leave. Rule 7, Sec. 3, page 37.

(b) Every motion to reconsider shall take precedence over all other questions, except a motion to adjourn.

(c) For its adoption, a motion to reconsider shall require the vote of a majority of the elected members, except:

RULE 7

- i Where such motion be to reconsider the vote on a bill which lacked the constitutional majority on a Final Reading, then a three-fifths vote shall be required for adoption.
- ii Where such motion be to reconsider the vote on a bill which lacked the constitutional majority on a Final Reading with the emergency clause attached, but which received the constitutional majority with the emergency clause stricken and the purpose of the motion is to again add the emergency clause, then a two-thirds vote of the elected members shall be required for adoption.

Sec. 8. Strike the Enacting Clause. A motion to strike the enacting clause if adopted, is equivalent to rejection of the bill. It shall not have precedence over a motion to amend nor a motion to indefinitely postpone.

Sec. 9. Motion to Adjourn. A motion to adjourn shall be in order, except:

- a. While a member is speaking.
- b. When a motion to adjourn has just been defeated.
- c. After the Final Reading of a bill and during roll call thereon.

A motion to adjourn to a time certain shall have precedence over a motion to adjourn. A motion to recess shall take precedence over either of such motions.

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LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE FIRST SESSION

FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 2, 1973

Pursuant to the provisions of Section 10, Article III of the Constitution of Nebraska, the Eighty-Third Legislature, First Session of the Legislature of Nebraska assembled in Legislative Hall of the Capitol Building at the hour of 12:00 o'clock (noon) on Tuesday, January 2, 1973, and was called to order by Speaker Hasebroock.

PRAYER

Prayer was given by Pastor Robert MacLennan.

> Father, as we enter into this new year we are reminded that there is always a new beginning in life--we can begin again in our efforts to discover ways to make our homes, our cities and towns, and our state into a more humane place.
>
> We ask that you would give to each one of us the courage to make the kinds of decisions which are important to the health and welfare of all peoples in this place.
>
> In all of the issues give to us the ability to risk even our careers if it means that we have to make decisions which are right and creative. Make us into men who act out of our sense of justice, rather than out of expedience.
>
> We pray to you, father, because we need the insights and the visions which you want to give to us--as we deal with the affairs of men, your primary concern. Amen.

ROLL CALL

The roll was called and all members were present.

Anderson, Gary L.
Barnett, Wally, Jr.
Burbach, J. W.
Carpenter, Terry
Carsten, Calvin F.
Carstens, Fred W.
Cavanaugh, John, III
Chambers, Ernest
Clark, Robert L.
DeCamp, John W.
Dickinson, James A.
Duis, Herbert J.
Epke, Walter H.
Fellman, Richard M.
Fowler, Steve
Goodrich, Glenn
Hasebroock, William
Johnson, E. Thome
Kelly, Ralph D.
Kennedy, Thomas C.
Keyes, Orval A.
Kime, Otho G.
Kremer, Maurice A.
Lewis, Frank

Lewis, Richard
Luedtke, Roland A.
Mahoney, Eugene T.
Maresh, Richard
Marsh, Shirley
Marvel, Richard D.
Moylan, Harold T.
Murphy, John R.
Nore, Herb
Proud, Richard F.
Rasmussen, Dennis L.
Richendifer, Blair K.
Savage, John S.
Schmit, Loran
Simpson, Harold D.
Skarda, William R.
Snyder, Duke
Stahmer, David H.
Stromer, Gerald A.
Stull, Leslie A.
Syas, George
Waldron, J. James
Warner, Jerome
Whitney, Ramey C.
Wiltse, Irving F.

MOTION—Adopt Rules

Mr. Carpenter moved that the Rules as now in the possession of the members be adopted.

Mr. Stull offered the following amendment to the Rules:

To amend Rule 5, Section 7 to read as follows:

Governor's Budget Bills. ~~Any~~ The budget ~~or appropriation~~ bill prepared ~~for~~ by the Governor shall be shown as introduced by the ~~Budget Committee~~ Speaker of the Legislature at the request of the Governor.

Governor's Budget message.
Const. Art. IV, Sec. 7.

The amendment was adopted.

Mr. Keyes offered the following amendment to the Rules:

To amend Rule 3, Section 17, Subsection (a) to read as follows:

At the commencement of each session, the Legislature shall elect a Committee on Committees to consist of thirteen members, one at large who shall be chairman, and three from District No. 1 consisting of legislative districts Nos. 1, 5, 9, 13, 17, 21, 25, 29, 33, 37, 41 and 45; three from District No. 2 consisting of districts Nos. 2, 6, 10, 14, 18, 22, 26, 30, 34, 38, 42, and 46; three from District No. 3 consisting of legislative districts 3, 7, 11, 15, 19, 23, 27, 31, 35, 39, 43, 47, and 49; and three from District No. 4 consisting of legislative districts 4, 8, 12, 16, 20, 24, 28, 32, 36, 40, 44 and 48.

The amendment lost with 11 ayes, 34 nays and 4 not voting.

Mr. Luedtke offered the following amendment to the Rules:

Rule 4, Sec. 6, P. 20 be amended to strike "and 3."

The amendment was adopted.

The Carpenter motion, as amended, was adopted with 38 ayes, 6 nays and 5 not voting.

COMMUNICATIONS

January 2, 1973

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Brown:

I hand you herewith the official appointment and oath of Blair K. Richendifer as Member of the Legislature from the Sixteenth (16th) District for the unexpired term of Clair W. Holmquist, deceased.

Sincerely yours,

(Signed) Allen J. Beermann
Secretary of State

Enclosures

CERTIFICATE

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that:

> BLAIR K. RICHENDIFER has been appointed a Member of the Nebraska State Unicameral Legislature from the Sixteenth (16th) District for the unexpired term of Clair W. Holmquist, deceased, for the term beginning May 10, 1972, for such time as he shall satisfactorily perform all the duties imposed upon such officer by law, and until the first Tuesday in January, 1973, and until a successor is duly elected and qualified.

I further certify that the foregoing appointment was made by Governor J. James Exon under the authority granted by the Constitution and by Section 32-1042 of the revised Statutes of Nebraska.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this second day of January, in the year of our Lord, one thousand nine hundred and seventy-three.

(Signed) Allen J. Beermann
Secretary of State

(SEAL)

GUBERNATORIAL APPOINTMENT

KNOW ALL MEN BY THESE PRESENTS:

That I, J. James Exon, Governor of the State of Nebraska, do hereby appoint Blair Richendifer of Walthill, Nebraska to the office of Member of Unicameral Legislature - District No. 16 to do and perform all the duties of said office for the term beginning May 9, 1972 for such time as he shall satisfactorily perform all the duties imposed upon such officer by law, and until January 2, 1973.

Done at Lincoln, Nebraska, this 9th day of May A.D. 1972.

(Signed) J. J. Exon
Governor

OFFICIAL OATH

STATE OF NEBRASKA)
LANCASTER COUNTY) ss.

"I, Blair K. Richendifer, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Nebraska, and will faithfully discharge the duties of Member of the Legislature, District 16 according to the best of my ability, and that at the appointment at which I was chosen to fill said office, I have not improperly influenced in any way the vote of any elector, and have not accepted, nor will I accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, or any promise of office, for any official act or influence (for any vote I may give or withhold on any bill, resolution, or appropriation)."*

(Signed) Blair K. Richendifer

Subscribed in my presence and sworn to before me this 10th day of May, 1972

(Signed) Allen J. Beermann
Notary Public

(SEAL)

*Constitution of the State of Nebraska, Article XV, Section One.

January 2, 1973

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

I hand you herewith the official appointment and oath of Richard M. Fellman as a Member of the Unicameral Legislature from the Fourth (4th) District for the unexpired term of P. J. Morgan, resigned.

Sincerely yours,

(Signed) Allen J. Beerman
Secretary of State

Enclosures

CERTIFICATE

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that:

> RICHARD M. FELLMAN has been appointed a Member of the Nebraska State Unicameral Legislature from the Fourth (4th) District, for the unexpired term of P. J. Morgan, resigned, for the term beginning January 2, 1973, for such time as he shall satisfactorily perform all the duties imposed upon such officer by law, and until the first Tuesday in January, 1975, and until a successor is duly elected and qualified.

I further certify that the foregoing appointment was made by Governor J. James Exon under the authority granted by the Constitution and by Section 32-1042 of the Revised Statutes of Nebraska.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this second day of January, in the year of our Lord, one thousand nine hundred and seventy-three.

(Signed) Allen J. Beerman
Secretary of State

(SEAL)

GUBERNATORIAL APPOINTMENT

KNOW ALL MEN BY THESE PRESENTS:

That I, J. James Exon, Governor of the State of Nebraska, do hereby appoint Richard M. Fellman of 12206 Leavenworth, Omaha, Nebraska to the office of Member of Unicameral Legislature, District No. 4 to do and perform all the duties of said office for the term beginning January 2, 1973 for such time as he shall satisfactorily perform all the duties imposed upon such officer by law, and until January 6, 1975.

Done at Lincoln, Nebraska, this 8th day of December A.D. 1972.

(Signed) J. J. Exon
Governor

OFFICIAL OATH

STATE OF NEBRASKA)
LANCASTER COUNTY) ss.

"I, Richard M. Fellman, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Nebraska, and will faithfully discharge the duties of Member of the Legislature, District 4 according to the best of my ability, and that at the appointment at which I was chosen to fill said office, I have not improperly influenced in any way the vote of any elector, and have not accepted, nor will I accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, or any promise of office, for any official act or influence (for any vote I may give or withhold on any bill, resolution, or appropriation)."*

(Signed) Richard M. Fellman

Subscribed in my presence and sworn to before me this 2nd day of January, 1973.

(Signed) Allen J. Beermann
Notary Public

(SEAL)

*Constitution of the State of Nebraska, Article XV, Section One.

MOTION—Committee on Credentials

Mr. C. Carsten moved that a committee of five members be appointed to serve as the Committee on Credentials to report to the Legislature on the results of the General Election of November 1972.

The motion prevailed.

The Chair appointed the following to serve on said committee: Messrs. C. Carsten, Moylan, Snyder, Epke and Simpson.

EASE

The Legislature was at ease from 12:21 until 12:25 P.M.

REPORT OF COMMITTEE ON CREDENTIALS

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct copy of the Official Roster of Members of the Nebraska Unicameral Legislature for the Eighty-Third Session, Regular, (First Session), 1973.

Further, I hereby certify that the members so listed on the Official Roster attached hereto are the duly elected and appointed members of the Unicameral Legislature in the State of Nebraska for the Eighty-third Session, Regular, First Session, 1973.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this second day of January, in the year of our Lord, one thousand nine hundred and seventy-three.

(Signed) Allen J. Beerman
Secretary of State

(SEAL)

DISTRICT

1.	Irving F. Wiltse	Elected November 7, 1972
2.	Calvin F. Carsten	
3.	Orval A. Keyes	Elected November 7, 1972
4.	Richard M. Fellman	Appointed to Complete Term*
5.	Eugene T. Mahoney	Elected November 7, 1972
6.	Harold T. Moylan	
7.	William R. Skarda, Jr.	Elected November 7, 1972
8.	David H. Stahmer	
9.	John J. Cavanaugh III	Elected November 7, 1972
10.	John Savage	
11.	Ernest W. Chambers	Elected November 7, 1972
12.	Richard F. Proud	

13. George Syas . . . . Elected November 7, 1972
14. Duke Snyder
15. E. Thome Johnson . . . . Elected November 7, 1972
16. Blair K. Richendifer . .**Elected (2yr. term) November 7, 1972
17. John R. Murphy . . . . Elected November 7, 1972
18. William H. Hasebroock
19. J. W. Burbach . . . . Elected November 7, 1972
20. Glenn A. Goodrich
21. Thomas C. Kennedy . . . . Elected November 7, 1972
22. Herb Nore
23. Loran C. Schmit . . . . Elected November 7, 1972
24. Walter H. Epke
25. Jerome Warner . . . . Elected November 7, 1972
26. Wally Barnett, Jr.
27. Steve Fowler . . . . Elected November 7, 1972
28. Roland A. Luedtke
29. Shirley Marsh . . . . Elected November 7, 1972
30. Fred W. Carstens
31. James A. Dickinson . . . . Elected November 7, 1972
32. Richard Maresh
33. Richard D. Marvel . . . . Elected November 7, 1972
34. Maurice A. Kremer
35. Ralph D. Kelly . . . . Elected November 7, 1972
36. Gerald A. Stromer
37. Gary L. Anderson . . . . Elected November 7, 1972
38. Richard Lewis
39. Herbert J. Duis . . . . Elected November 7, 1972
40. John W. DeCamp
41. Dennis L. Rasmussen . . . . . . Elected November 7, 1972
42. J. James Waldron
43. Otho G. Kime . . . . Elected November 7, 1972
44. Ramey C. Whitney
45. Frank Lewis . . . . Elected November 7, 1972
46. Harold D. Simpson
47. Robert L. Clark . . . . Elected November 7, 1972
48. Terry Carpenter
49. Leslie A. Stull . . . . Elected November 7, 1972

*Appointed to fill vacancy of P. J. Morgan, resigned.
**Elected to fill vacancy of Clair W. Holmquist, deceased.

MOTION—Adopt Report

Mr. C. Carsten moved the Report of the Committee on Credentials be accepted.

The motion prevailed.

MOTION–Committee to Escort Chief Justice

Mr. Kremer moved that a committee of five members be appointed to wait upon the Chief Justice of the Supreme Court and escort him to the Legislative Chamber for the purpose of administering the oath of office to the newly appointed and elected members of the Legislature.

The motion prevailed.

The Chair appointed the following to serve on said committee: Messrs. Kremer, F. Carstens, Luedtke, Waldron and Proud.

MOTION–Contact Attorney General

Mr. Carpenter moved that the Clerk request of the Attorney General an opinion as to which may be first, the adoption of rules or the swearing in of new members.

The motion prevailed.

EASE

The Legislature was at ease from 12:31 until 12:39 P.M.

The Commitee escorted Chief Justice White to the rostrum to administer the oath of office to the newly elected and appointed Senators.

MEMBERS' OATH OF OFFICE

STATE OF NEBRASKA)
LANCASTER COUNTY) ss.

Do you and each of you solemnly swear that you will support the Constitution of the United States, and the Constitution of the State of Nebraska, and that you will faithfully discharge the duties of a member of the Legislature according to the best of your ability, and that at the election at which you were chosen to fill such office, you have not improperly influenced in any way the vote of any elector, and have not accepted, nor will you accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, or any promise of office, for any official act or influence for any vote you may give or withhold on any bill, resolution, or appropriation, so help you God.

Gary L. Anderson
John J. Cavanaugh, III
Robert L. Clark
J. W. Burbach
Ernest Chambers
James A. Dickinson

Herbert J. Duis
E. Thome Johnson
Thomas C. Kennedy
Otho G. Kime
Eugene T. Mahoney
Richard D. Marvel
Dennis L. Rasmussen
Loran Schmit
Leslie A. Stull
Jerome Warner
Richard M. Fellman
Steve Fowler
Ralph D. Kelly
Orval A. Keyes
Frank Lewis
Shirley Marsh
John R. Murphy
Blair K. Richendifer
William R. Skarda
George Syas
Irving F. Wiltse

Subscribed in my presence and sworn to before me this second day of January 1973.

(Signed) Paul W. White
Chief Justice

The Committee escorted Chief Justice White from the Chamber.

MOTION—Election of Speaker

Mr. R. Lewis moved that we proceed to the election of the Legislature and that we vote by secret ballot.

The motion prevailed.

Mr. Goodrich nominated Mr. Proud.
Mr. Luedkte nominated Mr. Simpson

Mr. Carpenter moved the nominations cease. The motion prevailed.

The Speaker appointed Messrs. Clark and Lewis as tellers.

Election of Speaker

Proud	29
Simpson	20
	49

The Chair announced Proud duly elected Speaker.

Mr. Proud thanked the members.

MOTION—Election of Officers

Mr. Stull moved that officers elected by the Executive Board be approved for this Eighty-Third Legislature, First Session as follows:

Clerk of the Legislature	Vincent D. Brown
Assistant Clerk of the Legislature	Dennis Gemar
Chaplain	Dr. Robert E. Palmer
Sergeant-at-Arms	Ray R. Wilson
Postmistress	Lottie Henderson

The motion prevailed.

APPRECIATION

Mr. Stahmer moved the members give Speaker Hasebroock a vote of thanks for his part as Speaker. The motion prevailed.

MOTION–Election of Chairman of Executive Board

Mr. Kennedy moved that we proceed to the election of the Chairman of the Executive Board of the Legislative Council.

The motion prevailed.

Mr. Snyder nominated Mr. Carpenter.

Mr. Savage moved the nominations cease and Mr. Carpenter be elected by acclamation.

The motion prevailed.

Mr. Warner asked the record show him as not voting on the previous motion.

Mr. Carpenter thanked the members.

MOTION–Executive Board Members

Mr. Stromer moved that there shall be no more than three members from any one district on the Executive Board of the Legislative Council as outlined in 50-401.01.

Mr. Simpson requested a ruling of the Chair on whether the statutes can be changed by this motion.

The Chair ruled that the statutes could be clarified and not changed.

The chair ruled the motion out of order.

MOTION—Election of Vice-Chairman of the Legislative Council

Mr. Kime moved that we proceed to the election of the Vice Chairman of the Executive Board of the Legislative Council.

The motion prevailed.

Mr. Savage nominated Mr. Mahoney.

Mr. Chambers moved the nominations cease and Mr. Mahoney be elected by acclamation.

The motion prevailed.

MR. CARPENTER PRESIDING

MOTION—Nominations of Members of Executive Board

Mr. Syas moved that we proceed to the election of the other six members of the Executive Board of the Legislative Council by the Legislature.

The motion prevailed.

Mr. Stromer moved that when selecting the at large members for the Executive Board of Legislative Council, at least two members at large shall be nominated by a caucus of the respective districts as outlined in 50-401.01 and then voted upon at large as directed in 50-401.01.

The motion prevailed with 38 ayes, 0 nays and 11 not voting.

EASE

The Legislature was at ease from 1:32 p.m. until 1:52 p.m.

SPEAKER PROUD PRESIDING

MEMBERS NOMINATED TO EXECUTIVE BOARD

First District: Messrs. Kremer and Schmit.
Second District: Messrs. Goodrich and Savage.
Third District: Messrs. Stull and Stromer.

Mr. Simpson moved the nominees be elected by acclamation.

The motion prevailed with 49 ayes, 0 nays and 0 not voting.

ANNOUNCEMENT

The Clerk announced the Unicameral Ladies will meet in the East Lounge at 2:00 p.m.

MOTION–Election of Chairman of Committee on Committees

Mr. Skarda moved that we proceed to elect the Chairman of the Committee on Committees.

The motion prevailed.

Mr. Stromer nominated Mr. Whitney.

Mr. Simpson nominated Mr. Barnett.

Mr. Clark moved the nominations cease.

The motion prevailed.

The Chair appointed Mr. Fellman and Mr. Stahmer to act as tellers.

Whitney	31
Barnett	18
	49

The chair announced Mr. Whitney duly elected Chairman of the Committee on Committees.

Mr. Whitney thanked the members.

MOTION–Election of Members of Committee on Committees

Mr. Johnson moved that we proceed to the election of the remaining twelve members of the Committee on Committees; and that we authorize the members residing within each of the four districts, as enumerated in Rule 3, section 17, page 15, to nominate three members to be elected by the Legislature to serve on the Committee on Committees.

The motion prevailed.

EASE

The Legislature was at ease from 2:06 p.m. until 2:23 p.m.

NOMINATIONS FOR MEMBERS OF COMMITTEE ON COMMITTEES

First District: Messrs. Luedtke, Barnett and Wiltse.
Second District: Messrs. Stahmer, Chambers and Snyder.
Third District: Messrs. Epke, Johnson and Nore.
Fourth District: Messrs. Stromer, Stull and Duis.

Mr. Hasebroock moved that the persons nominated by the members of the four districts be declared elected to the Committee on Committees.

The motion prevailed with 48 ayes, 0 nays and 1 not voting.

The Chair declared the nominees duly elected.

MOTION—Oath of Officers

Mr. Nore moved that a committee of five members be appointed to wait upon the Chief Justice of the Supreme Court and escort him to the Legislative Chamber for the purpose of administering oath of office to the officers of the Legislature.

The motion prevailed.

The Chair appointed Nore, Wiltse, Burbach and Richendifer to serve on said Committee.

EASE

The Legislature was at ease from 2:28 p.m. until 2:38 p.m.

Chief Justice White was escorted to the rostrum and administered the oath of office to the following:

Speaker	Richard F. Proud
Clerk	Vincent D. Brown
Assistant Clerk	Dennis Gemar
Chaplain	Dr. R. Palmer
Sergeant at Arms	Ray Wilson
Postmistress	L. Henderson

The Chief Justice was escorted from the Chamber.

MR. WHITNEY PRESIDING

MOTION–Election of Committee Chairmen

Mr. Maresh moved that we proceed to the election of committee chairmen in accordance with Rule 3, section 3, page 11 of the Rules, and that the order of selection be in the order stated in Rule 3, Section 2, page 11.

The motion prevailed.

CHAIRMAN–Agriculture and Environment

Mr. Kremer nominated Mr. Schmit.

Mr. Waldron moved the nominations cease and Mr. Schmit be elected. The motion prevailed.

CHAIRMAN–Appropriations

Mr. Clark nominated Mr. Marvel.

Mr. Savage moved the nominations cease and Mr. Marvel be elected. The motion prevailed.

CHAIRMAN–Banking, Commerce and Insurance

Mr. Proud nominated Mr. Duis.
Mr. Barnett nominated Mr. F. Carstens.

Mr. Clark moved nominations cease and vote by secret ballot.

The motion prevailed.

Duis	22
F. Carstens	27
	49

The Chair declared F. Carstens duly elected.

CHAIRMAN–Constitutional Revision

Mr. Mahoney nominated Mr. Syas.

Mr. F. Lewis moved the nominations cease and Mr. Syas be elected. The motion prevailed. The Chair declared Mr. Syas duly elected.

CHAIRMAN–Education

Mr. Stahmer nominated Mr. Keyes.
Mr. C. Carstens nominated Mr. Warner.

Mr. Savage moved the nominations cease and vote by secret ballot. The motion prevailed.

Keyes	18
Warner	30
	48

The Chair declared Mr. Warner duly elected.

Mr. Carpenter asked the record to show that he voted for the above motion.

CHAIRMAN–Government, Military & Veteran's Affairs

Mr. Stromer nominated Mr. Stull.
Mr. Simpson nominated Mr. Chambers.

Mr. Duis moved the nominations cease. The motion prevailed.

Stull	19
Chambers	30
	49

The Chair declared Mr. Chambers duly elected.

CHAIRMAN–Judiciary

Mr. F. Carstens nominated Mr. Luedtke.

Mr. Duis moved the nominations cease and Mr. Luedtke be elected. The motion prevailed. The Chair declared Mr. Luedtke duly elected.

CHAIRMAN–Labor

Mr. Warner nominated Mr. Maresh.

Mr. Chambers moved the nominations cease and Mr. Maresh be elected. The motion prevailed.

The Chair declared Mr. Maresh duly elected.

CHAIRMAN–Miscellaneous Subjects

Mr. Proud nominated Mr. Moylan
Mr. R. Lewis nominated Mr. Waldron

Mr. Savage moved the nominations cease. The motion prevailed.

Moylan	19
Waldron	30
	49

The Chair declared Mr. Waldron duly elected.

CHAIRMAN–Public, Health & Welfare

Mr. R. Lewis nominated Mr. Kennedy
Mr. Skarda nominated Mr. Goodrich

Mr. Savage moved the nominations cease. The motion prevailed.

Kennedy	30
Goodrich	18
	48

The Chair declared Mr. Kennedy duly elected.

CHAIRMAN–Public Works

Mr. Hasebroock nominated Mr. Kremer.
Mr. Marvel nominated Mr. Stromer.
Mr. Waldron nominated Mr. R. Lewis.
Mr. Luedtke nominated Mr. Wiltse.

Mr. Carpenter moved to ballot and the last man be dropped each time if one doesn't have 25 votes. The motion prevailed.

	First Ballot
Kremer	16
Stromer	9
R. Lewis	14
Wiltse	10
	49

	Second Ballot
Kremer	23
R. Lewis	17
Wiltse	9
	49

	Third Ballot
Kremer	27
Lewis	22
	49

The Chair declared Mr. Kremer duly elected.

CHAIRMAN–Revenue

Mr. Epke nominated Mr. Burbach.

Mr. Savage moved the nominations cease and Mr. Burbach be elected. The motion prevailed.

The Chair declared Mr. Burbach duly elected.

CHAIRMAN–Urban Affairs

Mr. Schmit nominated Mr. Snyder.
Mr. Wiltse nominated Mr. Barnett.

Mr. Savage moved the nominations cease. The motion prevailed.

Snyder	37
Barnett	11
	48

The Chair declared Mr. Snyder duly elected.

CHAIRMAN–Intergovernmental Cooperation

Mr. Schmit nominated Mr. Mahoney.

Mr. Chambers moved the nominations cease and Mr. Mahoney be elected. The motion prevailed.

The Chair declared Mr. Mahoney duly elected.

MOTION–Conflicts of Interest Committee

Mr. Luedtke moved that we proceed to the selection of the Senator members of the Conflicts of Interest Committee. The motion prevailed.

EASE

The Legislature was at ease from 3:57 p.m. until 4:07 p.m.

Nominations for Conflicts of Interest Committee

District 1	C. Carsten
District 2	Skarda
District 3	Hasebroock
District 4	Kime

Mr. Epke moved the nominees be elected. The motion prevailed.

CHAIRMAN–Rules

Mr. Goodrich nominated Mr. Duis.
Mr. Savage moved the nominations cease and Mr. Duis be elected. The motion prevailed.

The Chair declared Mr. Duis duly elected.

CHAIRMAN–Enrollment and Review

Mr. Nore nominated Mr. Cavanaugh.
Mr. Stromer nominated Mr. Rasmussen.

Mr. Savage moved the nominations cease. The motion prevailed.

Cavanaugh	27
Rasmussen	18
	45

The Chair declared Mr. Cavanaugh duly elected.

SPEAKER PROUD PRESIDING

MOTION–Election Returns.

Mr. Goodrich moved that a committee of three members be appointed to invite the Secretary of State to appear and bring with him the official returns of the General Election of 1972. The motion prevailed.

The Chair appointed Messrs. Goodrich, Duis and Savage to serve on said Committee.

The Committee escorted the Secretary of State to the rostrum.

REPORT OF SECRETARY OF STATE

January 2, 1973

The Speaker of the Legislature
Eighty-Third Session Regular, (First Session)
Legislature of Nebraska, Unicameral
State Capitol
Lincoln, Nebraska 68509

Honorable Speaker:

In accordance with Article IV, Section 4 of the Constitution of the State of Nebraska, I have the honor of herewith delivering to you, under Seal, the abstract of votes cast in the ninety-three counties of the State of Nebraska at the General Election held on November 7, 1972, for the office of Public Service Commission, formerly known as the Railway Commission, which votes are required by law to be canvassed by the Nebraska State Legislature, pursuant to Section 32-4110, R. R. S., 1943 (Reissue of 1968) as submitted to me for delivery to the Honorable Speaker. I call to your attention that in the November 7, 1972, General Election, only one State Executive Elective office appeared on the ballot, that of the Public Service Commission, District two or Second. Said district two of the Public Service Commission comprises only a part of Douglas County, Nebraska.

I also deliver to you under Seal, the name of the candidate receiving the highest vote for the particular office enumerated. The certificate of the Secretary of State accompanies the listed name.

The original abstract sheets containing the tabulation of votes for the candidate for the Public Service Commission in and for Douglas County, Nebraska, covering the General Election of November 7, 1972, which constitutes a part of the official record of the State Board of Canvassers, is submitted for your examination.

Inasmuch as this canvass sheet is a part of the records of the office of the Secretary of State, we respectfully request that it be returned to our office files immediately upon the completion of your official Canvass.

Respectfully submitted,

(Signed) Allen J. Beermann
Secretary of State

Enclosures

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct listing of the candidate for office of Public Service Commission, District Two (Second), receiving the highest number of votes cast at the General Election in the State of Nebraska, held on November 7, 1972.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this second day of January, in the year of our Lord, one thousand nine hundred and seventy-three.

(Signed) Allen J. Beerman
Secretary of State

(SEAL)

STATE EXECUTIVE OFFICIAL ELECTED AT THE 1972 GENERAL ELECTION

Public Service Commission, District Two

James F. Munnelly (D)*	83,407 Votes

*Democrat

Mr. Goodrich moved that the report of the Secretary of State be approved as presented; the candidates stated therein be declared duly elected.

The motion prevailed

MOTION–Notify Governor

Mr. DeCamp moved that a committee of five members be appointed to call upon the Governor and advise him that the Legislature is organized and ready for the transaction of business.

The motion prevailed.

The Chair appointed the following to serve on said committee: Messrs. DeCamp, Stromer, Stull, Mahoney and Warner.

Committee Report From Governor

Mr. DeCamp announced the Governor would meet with the body on Thursday of this week.

MOTION–Inaugural Ceremonies

Mr. Carpenter moved that we arrange to hold inaugural ceremonies for the newly elected officers of the Board of Regents; the State Board of Education; the Public Service Commission; and the retained member of the Workman's Compensation Court and the retained Justices of the Supreme Court on Thursday, January 4, 1973, at 2:00 p.m.

The motion prevailed.

MOTION—Rule Change

Mr. Chambers moved that there be no smoking anywhere in the Chamber while the Legislature is in Session.

Referred to Rules Committee.

ANNOUNCEMENTS

The Speaker announced Committee on Committees meeting would be at 7:00 p.m. this evening in the Legislative Council Hearing Room.

Mr. Luedtke announced that he would present the penal reform report to the body on Monday, January 8.

Mr. Carpenter announced that the Executive Board meeting would be at 1:30 p.m., January 3.

Mr. Duis announced the Administrative Rules and Regulations Committee would meet at 9:00 a.m. in the morning.

VISITORS

Mr. Proud introduced Mr. Richard Daley from Omaha and two grandsons from Minneapolis, Minnesota.

Mr. Keyes introduced his mother to the members.

ADJOURNMENT

At 4:33 p.m., on a motion by Mr. Hasebroock, the Legislature adjourned until 10:00 a.m., Wednesday, January 3, 1973.

Vincent D. Brown
Clerk of the Legislature

SECOND DAY—JANUARY 3, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 3, 1973

Pursuant to adjournment, the Legislature met at 10 a.m., Speaker Proud presiding.

PRAYER

Prayer was offered by the Rev. E. L. Jeambey, Associate Pastor, Westminster Presbyterian Church.

> Eternal God—Our Heavenly Father:
>
> May we be stimulated and motivated by that power which is far above our own this day and during this New Year.
>
> We need wisdom, and as thou hast promised: "If any man lack wisdom let him ask of God, who giveth to all men liberally." (James 1:5)
>
> Help us to understand that knowledge is not enough, and that the right application of knowledge—which is wisdom—is necessary.
>
> Give us discerning minds, opened hearts, quickened spirits, and may we ever be commended for our fidelity to our leadership task.
>
> Preserve us for friendly service to all mankind, and deliver us from the pitfalls that have caused godless nations to go into oblivion. Amen.

ROLL CALL

The roll was called and all members were present except Mr. F. Carstens who was excused for a short time.

CORRECTIONS FOR THE JOURNAL

Page 10, line 10, delete "Luedtke" and insert "Simpson".
Page 14, line 28, correct spelling of "Sergeant".
The Journal for the First Day was approved as corrected.

MESSAGES FROM THE GOVERNOR

April 11, 1972

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment to the State Personnel Board:

Herman A. Brockmeier, Lincoln, Nebraska—to replace Dr. Richard M. Bourne who has resigned. This term of appointment expires August 4, 1973

I respectfully submit this appointment for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

April 11, 1972

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment to the Board of Parole:

Edward M. Rowley
1960 South 53rd
Lincoln, Nebraska 68506

I respectfully submit this appointment for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

April 11, 1972

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointments to the Environmental Control Council requiring legislative confirmation:

Richard A. Veach, 1030 Palamino Road, Omaha, Nebraska 68154; to replace Edd Bailey; term expiring June 22, 1975.

L. E. Donegan, 3010 Plymouth Ave., Lincoln, Nebraska 68502; to replace Dr. George P. Hanna, Jr.; term expiring June 22, 1975.

Dr. Anthony J. Catana, Jr., Vice President for Academic Affairs, Doane College, Crete, Nebraska; to replace Lewis E. Harris; term expiring June 22, 1975.

William R. Hunter, General Manager, Geo. A. Hormel & Co., Fremont, Nebraska; to replace Larry Price; term expiring June 22, 1973.

I respectfully submit these appointments for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

April 26, 1972

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment to the Power Review Board requiring Legislative confirmation:

John Shoemaker, Dannebrog, Nebraska – to fill the vacancy of Mark H. Vollbracht, St. Paul, who has resigned.

I respectfully submit these appointments for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

May 15, 1972

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointments to the Code of Ethics Board which terms will expire January 4, 1973:

Donald R. Treadway, Fullerton, Nebraska
Charles Brodersen, RR, Herman, Nebraska
Tom Doyle, Department of Roads, Lincoln, Nebraska
William Peters, Department of Revenue, Lincoln, Nebraska
Gustave Lieske, Department of Administrative Services, Lincoln

I respectfully submit these appointments for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

May 15, 1972

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment to the Power Review Board:

Claude L. Jelen, 7301 Pacific, Omaha, to replace Sheldon A. Bernstein whose term expires January 1, 1974.

I respectfully submit this appointment for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

May 15, 1972

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointments to the Motor Vehicle Industry Licensing Board:

Reappointment of Dick L. Flynn, 4330 So. 38th, Lincoln, for a 3 year term expiring May 18, 1975.

Appointment of Kenneth Hilton, Cambridge, Nebraska, for a two year term expiring May 15, 1974.

Appointment of Arthur M. Lambright, 12316 Farnam, Omaha, to a one year term expiring May 15, 1973.

I respectfully submit these appointments for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

May 16, 1972

Mr. President, Mr. Speaker, and
Members of the Legislature

State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment to the Department of Economic Development Advisory Committee:

Charles Davey, 17 E. 21st, Scottsbluff, Nebraska, to replace Gary Carpenter who has resigned – term expires July 1, 1973.

I respectfully submit this appointment for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

May 16, 1972

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment to the Industrial Relations Court:

John T. Grant, 3106 So. 72nd Ave., Omaha, to replace John M. Gradwohl who has resigned – term expires June 9, 1975.

I respectfully submit this appointment for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

May 17, 1972

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointments to the State Commission for Higher Educational Aid:

Dr. Leonard Skov, Kearney State College, Kearney, Nebraska–term expires June 30, 1978

Mrs. Marilu Ellerbroek, 2106 Thomas Drive, Bellevue, Nebraska–term expires June 30, 1974

Lester Harsh, 2205 Norris, McCook–term expires June 30, 1974

Fern Hubbard Orme, Lincoln–term expires June 30, 1976

William Dobler, Lincoln–term expires June 30, 1976

Dr. Vance Rogers, Wesleyan University, Lincoln–term expires June 30, 1978

Glen Ilgenfritz, 1805 Phelps, Fremont–term expires June 30, 1978

I respectfully submit these appointments for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

July 27, 1972

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment to the Environmental Control Council:

James H. Walston, M.D., 3104 B, South Sioux City, Nebraska–replaces Dr. Lynn Thompson, resigned

I respectfully submit this appointment for your consideration.

Sincerely,

(Signed) J. James Exon
Governor

JJE:do

August 4, 1972

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment to the Court of Industrial Relations:

Richard L. DeBacker, Grand Island, Nebraska–replaces Harry R. Henatsch, resigned–term expiring June 9, 1973

I respectfully submit this appointment for your consideration.

Sincerely,

(Signed) J. James Exon
Governor

JJE:do

September 11, 1972

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment to the State Personnel Board:

David Flebbe, Suite 252, Aquila Court, Omaha, Nebraska–replaces Roland Anderson whose term expired August 4, 1972

I respectfully submit this appointment for your consideration.

Sincerely,

(Signed) J. James Exon
Governor

JJE:do

September 12, 1972

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointments:

Dr. William C. Peters – Director of Personnel
John L. Sullivan – Director, Department of Motor Vehicles

I respectfully submit these appointments for your consideration.

Sincerely,

(Signed) J. James Exon
Governor

JJE:do

September 27, 1972

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment:

John Sullivan, Wallace, Nebraska, to the Agricultural Products Industrial Utilization Committee–replaces Ray Ratliff, resigned

I respectfully submit this appointment for your consideration.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:do

September 25, 1972

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment:

John J. Gabarron, Chief of the Fire Prevention Bureau, 1801 Que Street, Lincoln–to the Commission on Fire Fighting Personnel Standards and Education–replaces David B. Weimer, resigned.

I respectfully submit this appointment for your consideration.

Sincerely,

(Signed) J. James Exon
Governor

JJE:do

October 13, 1972

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment:

Thomas L. Morrissey, 962 North 5th, Tecumseh, Nebraska, to the State Commission for Higher Educational Aid–replacing Senator Fern Hubbard Orme who has resigned

I respectfully submit this appointment for your consideration.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:do
cc:Thomas L. Morrissey

October 17, 1972

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment:

Kenneth W. Zimmerman, 206 South 10th Street, Loup City, Nebraska 68853, to the Game and Parks Commission for a five year term ending September 6, 1977

I respectfully submit this appointment for your consideration.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:do
cc: Kenneth W. Zimmerman

October 18, 1972

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointments to the State Board of Health:

A. B. Pittman, D.V.M., 4629 Dodge, Omaha–replaces Dr. P.D. Wiltfong whose term expired September 14, 1972

W. James Wells, Jr., 220 Hillcrest Center Bldg., Ralston–replaces Donald G. Lamp whose term expired September 14, 1972

Jack James, O.D., 128 Norfolk Ave., Norfolk–replaces Dr. William Higgins whose term expired September 14, 1972

Reappointment of Dr. Harold G. Wieseman, 1140 City National Bank Bldg., Omaha, Podiatrist

These appointments are for three years with term expiring September 14, 1975.

I respectfully submit these appointments for your consideration.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:do

October 25, 1972

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment:

E.K. Yanney, Lodgepole, Nebraska–replaces Eldon Freudenburg, West Point, whose term expired October 10, 1972 (Nebraska Investment Council)

This appointment is for five years, expiring October 10, 1977.

I respectfully submit this appointment for your consideration.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:do

November 28, 1972

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment:

John C. Mitchell, Omaha, Nebraska–replaces Charles O'Rourke, Omaha–to the Board of Educational Lands and Funds

This appointment is for five years, expiring October 1, 1977.

I respectfully submit this appointment for your consideration.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:do

December 13, 1972

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment requiring legislative confirmation:

Director, Department of Public Institutions–Dr. Jack Anderson

I respectfully submit this appointment for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

Referred to Committee on Committees.

LETTERS FROM ATTORNEY GENERAL

December 28, 1972

Mr. Vincent D. Brown
Clerk of the Legislature
Legislative Council
State Capitol
Lincoln, Nebraska 68509

Dear Mr. Brown:

This is in reply to your letter of December 7 in which you point out that the Legislative Council on December 5 passed a motion asking that in the future that whenever we prepare an opinion for an individual senator that a copy of it be provided to the Clerk for publication in the daily journal. We will do everything possible to comply with their request.

As the members know, we have in the past given legal advice to individual senators in an effort to be helpful. I regret that our efforts in this regard have caused some dissatisfaction and that it has been found necessary to lay down rules governing our future relationships. Much of the work of a lawyer involves giving of confidential advice for the guidance of individuals in conducting their affairs, and this office has been extremely careful in respecting the confidences which have been entrusted to us. We would soon lose all of our clients if this were not so. We have assumed that the public officers who are our clients and the recipients of our advice, will reveal that advice when it is in the public interest that this be done.

In studying the motion, and in reading the debates which preceded its adoption, there are a number of areas where questions remain, and so I will need the help of the Legislature in developing a future policy which will be satisfactory to all concerned. My past experience indicates that individual senators, and especially committee members, frequently are attempting to work out solutions or compromises in sensitive areas, and ask for our advice regarding approaches they could constitutionally use to effect a solution. If they cannot receive legal advice on this in confidence I doubt that they will come to us.

There are a number of other situations and gray areas, but be that as it may, we will operate under the motion. Copies of replies to formal requests for legal advice from individual senators will be filed with the Clerk of the Legislature at the time the answer is forwarded to the individual senator. Requests received other than by a formal, signed letter will only be answered orally, even though it may involve a complex legal matter on which we have found it necessary to prepare a memorandum.

For the benefit of new members, it may be well to call attention to certain policies which we have always followed. Unless requested by the entire legislature, we will not give an opinion as to the effect of a proposed constitutional amendment after the Legislature has taken final action to place it on the ballot. This policy was developed many years ago, apparently after a situation where an opinion of the Attorney General was used in an attempt to influence the vote on a proposed constitutional amendment. Also, we will not give an opinion to an individual senator on the constitutionality of or interpretaion of a bill which has already become law. If there is a question as to its interpretaion, we will be glad to work with the senator and the bill drafter in developing clarifying legislation.

Very truly yours,

(Signed) Clarence A. H. Meyer
Attorney General

CAHM:jc

January 2, 1972

Mr. Vincent D. Brown
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. Brown:

In compliance with the requirements of Section 81-8,226, R. S. Supp. 1972, we are herewith enclosing a report of the Attorney General concering claims and judgments paid under the State Tort Claims Act.

For the sake of uniformity and in order to make a complete report, we are adopting and filing herewith the report of the Secretary of the State Claims Board listing all claims filed for the biennium 1971-72 and the disposition of those claims by the Claims Board. In addition, our separate report showing the status of all lawsuits brought under the act has been added.

Yours very truly,

CLARENCE A. H. MEYER
Attorney General

(Signed) Harold S. Salter
Deputy Attorney General
Claims Division

HSS:cp
Enclosure

Report on File in the Clerk's Office.

RESOLUTIONS

LEGISLATIVE RESOLUTION 1.

Introduced by Ramey C. Whitney, 44th District; E. Thome Johnson, 15th District; Blair Richendifer, 16th District; William Hasebroock, 18th District.

WHEREAS, Claire W. Holmquist, manager and secretary-treasurer of the Holmquist Grain and Lumber Company, served as a member of the Legislature from 1965 to 1972. Senator Holmquist was born at Oakland, Nebraska on October 4, 1906. He attended Oakland Public Schools and was graduated from the University of Nebraska in 1928. He married Mildred Ruth Romberg on June 12, 1935. He is survived by his widow and three daughters, Mrs. Cynthia Fitchett, Mrs. Nancy Diekman and Jean Holmquist. He was active in numerous agriculture societies and local clubs and lodges; and

WHEREAS, Claire W. Holmquist died April 26, 1972.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extend its sympathy to the survivors of Claire W. Holmquist.
2. That the Legislature wishes to recognize the valuable contributions made to the community in which he resided, and to the State of Nebraska. He will be long remembered for his untiring interest in the promotion and development of affairs to make Nebraska a better place to live.
3. That a copy of this resolution be sent to his widow as a mark of respect for his services to his community and the State of Nebraska.
4. That the Legislature stand for a moment of silent tribute to his memory.

Mr. Richendifer moved to suspend the rules and consider the Resolution today.

The motion prevailed.

The members stood for a moment in memory of Mr. Holmquist.

STANDING COMMITTEE REPORT
Committee on Committees

Mr. President: Your Committee on Committees submits the following report:

The composition of the standing committees shall be as follows with the names of the chairmen shown as a matter of information as they were selected by the body by secret ballot:

AGRICULTURE AND ENVIRONMENT–Schmit, Chairman

C. Carsten
Dickinson
Epke
Rasmussen
Maresh
Kennedy
Kime

APPROPRIATIONS–Marvel, Chairman

Stahmer
Nore
Whitney
Simpson
Johnson
Savage
Clark
Marsh

BANKING, COMMERCE AND INSURANCE–Carstens, Chairman

Hasebroock
Duis
Wiltse
Moylan
Murphy
Stromer
Snyder

CONSTITUTIONAL REVISION AND RECREATION–Syas, Chairman

Anderson
Keyes
Snyder
Burbach
F. Carstens
Kelly

EDUCATION– Warner, Chairman

Fowler
Syas
Kremer
Kime
Dickinson
Kelly
Waldron

GOVERNMENT, MILITARY AND VETERANS AFFAIRS–Chambers, Chairman

Barnett
Fellman
DeCamp
Stull
Richendifer
Duis
Fowler

JUDICIARY—Luedtke, Chairman

DeCamp
Stull
Fellman
Richendifer
Carpenter
Barnett
Chambers

LABOR—Maresh, Chairman

Kime
F. Carstens
Cavanaugh
Kennedy
Dickinson
Kelly

MISCELLANEOUS SUBJECTS—Waldron, Chairman

Luedtke
Mahoney
Murphy
Carpenter
F. Lewis
Skarda
Cavanaugh

PUBLIC HEALTH AND WELFARE—Kennedy, Chairman

Goodrich
Schmit
R. Lewis
Maresh
Cavanaugh
F. Lewis

PUBLIC WORKS—Kremer, Chairman

Hasebroock
Stromer
Warner
Moylan
R. Lewis
Wiltse
Goodrich

REVENUE—Burbach, Chairman

Anderson
C. Carsten
Mahoney
Epke
Rasmussen
Keyes
Skarda

RULES–Duis, Chairman

Goodrich
DeCamp
Stromer
Warner

URBAN AFFAIRS–Snyder, Chairman

Fowler
Syas
Schmit
Duis
F. Lewis
Murphy
Waldron

ENROLLMENT AND REVIEW–Cavanaugh, Chairman

INTERGOVERNMENTAL COOPERATION–Mahoney, Chairman

Kremer
Clark
Simpson
Stahmer

(Signed) Ramey C. Whitney
Chairman

Mr. Duis moved the report of the Committee on Committees be adopted.

The motion prevailed with 44 ayes, 0 nays and 5 not voting.

ANNOUNCEMENT

Mr. Duis announced that the Rules Committee would meet at 1:30 p.m. in the West Lounge.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1. By Judiciary Committee: Luedtke, Chairman, 28th District.

A BILL FOR AN ACT to authorize the Revisor of Statutes to reissue and bring up to date the Revised Statutes of Nebraska, 1943; to provide for the sale and distribution of the reissued volumes; to amend section 49-706, Revised Statutes Supplement, 1972; to transfer authority to the Executive Board of the Legislative Council; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 2. By Judiciary Committee: Luedtke, Chairman, 28th District.

A BILL FOR AN ACT to amend section 48-434, Revised Statutes Supplement, 1972, relating to health and safety regulations; to remove the provisions for justice of the peace, police magistrate, or other magistrate; and to repeal the original section.

LEGISLATIVE BILL 3. By Judiciary Committee: Luedtke, Chairman, 28th District.

A BILL FOR AN ACT to repeal sections 45-401 to 45-407, Reissue Revised Statutes of Nebraska, 1943, relating to interest.

LEGISLATIVE BILL 4. By Judiciary Committee: Luedtke, Chairman, 28th District.

A BILL FOR AN ACT to amend sections 60-419 and 60-427, Revised Statutes Supplement, 1972, relating to motor vehicles; to remove the provisions for proceedings before magistrates as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 5. By Judiciary Committee: Luedtke, Chairman, 28th District.

A BILL FOR AN ACT to amend section 71-202, Reissue Revised Statutes of Nebraska, 1943, relating to public health and welfare; to redefine the practice of barbering; and to repeal the original section, and also section 71-2043, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 6. By Judiciary Committee: Luedtke, Chairman, 28th District.

A BILL FOR AN ACT to amend section 24-536, Revised Statutes Supplement, 1972, relating to courts; to provide for the number of persons on juries in municipal court; and to repeal the original section.

LEGISLATIVE BILL 7. By Judiciary Committee: Luedtke, Chairman, 28th District.

A BILL FOR AN ACT to amend section 11-119, Revised Statutes Supplement, 1972, relating to bonds of public officials; to change the amount of bonds of county commissioners and supervisors; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 8. By Judiciary Committee: Luedtke, Chairman, 28th District.

A BILL FOR AN ACT to adopt the Nebraska Criminal Code; to provide an operative date; to provide duties; and to repeal Chapter 28, articles 1 to 9, Reissue Revised Statutes of Nebraska, 1943, sections 28-1001 to 28-1019, Reissue Revised Statutes of Nebraska, 1943, sections 28-1032 to 28-1042, Reissue Revised Statutes of Nebraska, 1943, sections 28-1101 to 28-1107, Reissue Revised Statutes of Nebraska, 1943, sections 28-1111 to 28-1131, Reissue Revised Statutes of Nebraska, 1943, Chapter 28, articles 12 and 13, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, and sections 29-106, 60-430.07, and 86-701 to 86-707, Reissue Revised Statutes of Nebraska, 1943, and all amendments thereto.

LEGISLATIVE BILL 9. By Stromer, 36th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article III, section 7, of the Constitution of Nebraska, relating to the Legislature; to provide that the members of the Legislature shall be elected in a partisan manner; to provide for the submission of the proposed amendment to the electors at the general election in November, 1974; to provide for the manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 10. By Stahmer, 8th District.

A BILL FOR AN ACT to amend section 79-1007.02, Revised Statutes Supplement, 1972, relating to schools; to increase the maximum building levy in Class V districts; to remove obsolete matter; and to repeal the original section.

LEGISLATIVE BILL 11. By Proud, 12th District.

A BILL FOR AN ACT to amend section 70-637, Reissue Revised Statutes of Nebraska, 1943, relating to public power districts; to change the conditions of construction contracts as prescribed; and to repeal the original section.

LEGISLATIVE BILL 12. By Chambers, 11th District.

A BILL FOR AN ACT relating to cities of the metropolitan class; to state legislative findings; to provide for the election of city councilmen by districts as prescribed; to change the time of elections; to provide duties and procedure; to amend sections 14-201, 14-204, 14-205, 14-206, 14-207, 14-209, and 14-216, Reissue Revised Statutes of Nebraska, 1943; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 13. By Schmit, 23rd District.

A BILL FOR AN ACT to amend section 60-434, Revised Statutes Supplement, 1972, relating to the Nebraska State Patrol; to change the number of special investigators; to provide for other personnel; to make an appropriation to the Drug Control Cash Fund; and to repeal the original section.

LEGISLATIVE BILL 14. By Schmit, 23rd District.

A BILL FOR AN ACT to amend section 84-205, Revised Statutes Supplement, 1972, relating to state officers; to provide for agency legal counsel in the Nebraska State Patrol; and to repeal the original section.

LEGISLATIVE BILL 15. By F. Carstens, 30th District.

A BILL FOR AN ACT to amend section 40-101, Reissue Revised Statutes of Nebraska, 1943, relating to homesteads; to change the definition for exemption purposes; and to repeal the original section.

LEGISLATIVE BILL 16. By F. Carstens, 30th District.

A BILL FOR AN ACT to amend section 25-1552, Reissue Revised Statutes of Nebraska, 1943, and section 25-1556, Revised Statutes Supplement, 1972, relating to exemptions; to change exemptions; and to repeal the original sections.

LEGISLATIVE BILL 17. By Burbach, 19th District.

A BILL FOR AN ACT relating to weights and measures; to establish standards; to define powers and duties; to provide penalties; to provide an operative date; to repeal sections 89-183 to 89-1,103, Revised Statutes Supplement, 1972; and to declare an emergency.

LEGISLATIVE BILL 18. By Interim Tax Committee: Burbach, Chairman, 19th District.

A BILL FOR AN ACT to amend section 77-202.06, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to provide for mandatory review by the Tax Commissioner; and to repeal the original section.

LEGISLATIVE BILL 19. By Interim Tax Committee: Burbach, Chairman, 19th District.

A BILL FOR AN ACT relating to revenue and taxation; to create an ad valorem advisory committee in the Department of Revenue; and to provide duties.

LEGISLATIVE BILL 20. By Whitney, 44th District.

A BILL FOR AN ACT to amend section 23-343.11, Reissue Revised Statutes of Nebraska, 1943, relating to county hospitals; to provide a mill levy increase for certain counties; and to repeal the original section.

LEGISLATIVE BILL 21. By F. Carstens, 30th District.

A BILL FOR AN ACT to amend section 72-257, Reissue Revised Statutes of Nebraska, 1943, relating to school lands; to provide for discretionary rather than mandatory sale; and to repeal the original section.

LEGISLATIVE BILL 22. By C. Carsten, 2nd District.

A BILL FOR AN ACT to amend sections 3-504, 3-613, and 3-707, Reissue Revised Statutes of Nebraska, 1943, relating to airport authority powers; to provide certain limitations; and to repeal the original sections.

LEGISLATIVE BILL 23. By C. Carsten, 2nd District.

A BILL FOR AN ACT to amend section 23-351, Reissue Revised Statutes of Nebraska, 1943, relating to counties; to provide for allocation of funds as prescribed; and to repeal the original section.

LEGISLATIVE BILL 24. By C. Carsten, 2nd District.

A BILL FOR AN ACT to amend section 17-807, Reissue Revised Statutes of Nebraska, 1943, and sections 16-325, 16-502, and 18-301, Revised Statutes Supplement, 1972, relating to cities and villages; to harmonize provisions which exempt officers and members of appointed boards and commissions from conflicts of interest in contracts up to ten thousand dollars; and to repeal the original sections.

LEGISLATIVE BILL 25. By C. Carsten, 2nd District.

A BILL FOR AN ACT to amend section 53-180.05, Revised Statutes Supplement, 1972, relating to liquors; to provide an alternative penalty; to provide a duty for the county sheriff; and to repeal the original section.

LEGISLATIVE BILL 26. By Carpenter, 48th District.

A BILL FOR AN ACT to amend sections 2-211, 2-212, 2-1559, 10-603, 11-126, 23-121, 23-250.01, 23-320.09, 23-324.05, 23-1210, 24-321, 29-104, 29-1408, 30-240, 33-126.03, 38-609.01, 39-1813, 72-418, 77-1773, 77-1901, 77-1918, 77-2018.01, 77-2018.02 77-1018.03, 77-2024, and 77-2029, Reissue Revised Statutes of Nebraska, 1943, and sections 11-119, 11-125, 23-120, 23-1114.02, 23-1114.03, 23-1114.04, 23-1114.05, 23-1114.06, 28-724, 32-308, 32-1040, and 71-1631, Revised Statutes Supplement, 1972, relating to county officers; to provide for district attorneys and their duties; to provide for attorneys representing the county to be retained by the county board as prescribed; to transfer certain duties of the county attorney to other county officers as prescribed; to provide for transfer of duties; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 27. By Carpenter, 48th District.

A BILL FOR AN ACT to amend sections 81-101, 81-102, 81-103, 81-301, 81-401, and 81-501.01, Reissue Revised Statutes of Nebraska, 1943, and section 81-502, Revised Statutes Supplement, 1972, relating to state administrative departments; to eliminate the powers of the Governor over the executive departments as prescribed; and to repeal the original sections, and also sections 81-107 and 81-109, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 28. By Keyes, 3rd District.

A BILL FOR AN ACT to amend sections 79-1332, 79-1334, 79-1335, and 79-1340, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change state aid to public schools as prescribed; and to repeal the original sections, and also section 79-1343, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 29. By Marsh, 29th District.

A BILL FOR AN ACT to amend section 71-605, Reissue Revised Statutes of Nebraska, 1943, relating to public health and welfare; to provide for inclusion of veteran information on death certificates and burial and transit permits; and to repeal the original section.

LEGISLATIVE BILL 30. By Moylan, 6th District.

A BILL FOR AN ACT to amend section 29-2907, Revised Statutes Supplement, 1972, relating to criminal procedure; to provide for the cost of maintenance and treatment of sexual sociopaths; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 31. By Moylan, 6th District.

A BILL FOR AN ACT relating to county government; to provide powers and duties of the county board; to define offenses; and to provide for penalties.

LEGISLATIVE BILL 32. By Moylan, 6th District.

A BILL FOR AN ACT to amend sections 83-210.03, 83-210.04, and 83-210.05, Reissue Revised Statutes of Nebraska, 1943, relating to blind persons; to authorize the operation of vending businesses in county, city or municipally-owned property; to provide duties for the Director of Public Institutions; and to repeal the original sections.

LEGISLATIVE BILL 33. By Rasmussen, 41st District.

A BILL FOR AN ACT to amend section 80-301, Reissue Revised Statutes of Nebraska, 1943, relating to soldiers and sailors; to provide for care of widows and mothers of veterans as prescribed; and to repeal the original section.

LEGISLATIVE BILL 34. By Rasmussen, 41st District.

A BILL FOR AN ACT to amend sections 62-301 and 84-104.01, Reissue Revised Statutes of Nebraska, 1943, and section 25-2221, Revised Statutes Supplement, 1972, relating to holidays; to designate November 11 as Veterans Day as prescribed, and to repeal the original sections.

LEGISLATIVE BILL 35. By Keyes, 3rd District.

A BILL FOR AN ACT to amend section 48-661, Revised Statutes Supplement, 1972, relating to employment security; to make it mandatory for state administrative departments, commissions, or boards and political subdivisions or any instrumentality thereof to file with the commission an election to become an employer as prescribed; and to repeal the original section.

LEGISLATIVE BILL 36. By Clark, 47th District.

A BILL FOR AN ACT relating to school lands; to provide for dedicating established roads through lands under the jurisdiction of the Board of Educational Lands and Funds to the county.

LEGISLATIVE BILL 37. By Burbach, 19th District.

A BILL FOR AN ACT to amend sections 81-1214, 81-1218, and 81-1219, Reissue Revised Statutes of Nebraska, 1943, relating to the Commission on Indian Affairs; to increase the membership and provide for all appointments; to change terms; to provide for a quorum; to provide for compensation; to provide for special meetings; and to repeal the original sections.

LEGISLATIVE BILL 38. By R. Lewis, 38th District.

A BILL FOR AN ACT to amend section 23-131, Revised Statutes Supplement, 1972, relating to counties; to provide for delivery of warrants after record entries; and to repeal the original section.

LEGISLATIVE BILL 39. By Carpenter, 48th District.

A BILL FOR AN ACT to amend sections 45-117, 45-126, 45-345, and 45-347, Reissue Revised Statutes of Nebraska, 1943, and section 45-127, Revised Statutes Supplement, 1972, relating to interest; to increase certain fees; to enlarge the source and use of a special fund; to provide an exemption; and to repeal the original sections.

LEGISLATIVE BILL 40. By Stull, 49th District.

A BILL FOR AN ACT to amend section 24-510 and 24-513, Revised Statutes Supplement, 1972, relating to county courts; to change provisions for counties of three thousand inhabitants or less; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 41. By Stull, 49th District.

A BILL FOR AN ACT to amend section 39-1390, Revised Statutes Supplement, 1972, relating to the State Recreation Road Fund; to change provisions concerning use of the fund; and to repeal the original section.

LEGISLATIVE BILL 42. By Stull, 49th District.

A BILL FOR AN ACT to amend section 77-2708, Reissue Revised Statutes of Nebraska, 1943, relating to sales and use tax; to change penalties; and to repeal the original section.

LEGISLATIVE BILL 43. By Stull, 49th District.

A BILL FOR AN ACT to amend section 79-445, Revised Statutes Supplement, 1972, relating to nonresident tuition; to provide for such tuition for certain pupils who are the wards of any court; and to repeal the original section.

LEGISLATIVE BILL 44. By Stull, 49th District.

A BILL FOR AN ACT relating to schools; to provide for tuition payments for the children or parents employed by and required by the employer to be residing on tax-exempt land owned or controlled by the Game and Parks Commission or by the State Board of Education; and to declare an emergency.

LEGISLATIVE BILL 45. By Interim Committee on Public Works: Wiltse, Chairman, 1st District.

A BILL FOR AN ACT to adopt the Nebraska Rules of the Road; to provide an operative date; and to repeal sections 39-713, 39-714.03, 39-723.02, 39-724, 39-724.01, 39-729, 39-731, 39-732, 39-736 to 39-737.01, 39-739, 39-743 to 39-746, 39-746.02 to 39-747, 39-749, 39-755 to 39-761, 39-766, 39-768, 39-789 to 39-793, 39-799, 39-7,107 to 39-7,111, 39-7,115 to 39-7,117, 39-7,123.02, 39-7,123.03, 39-7,123.11, 39-7,127, 39-1365, 39-1366, 39-1368 to 39-1371, 39-1373 to 39-1389, 79-488.01, and 79-488.02, Reissue Revised Statutes of Nebraska, 1943, and sections 28-403.01, 39-713.01, 39-723, 39-738, 39-741, 39-742, 39-746.01, 39-746.08, 39-750 to 39-754.09, and 39-767, Revised Statutes Supplement, 1972.

LEGISLATIVE BILL 46. By Marvel, 33rd District.

A BILL FOR AN ACT to amend section 77-1736.04, Reissue Revised Statutes of Nebraska, 1943, relating to taxation; to provide for the refund of any tax, assessment, or penalty or any part thereof held illegal without the necessity of filing claim therefore; to provide for outlawed claims; and to repeal the original section.

LEGISLATIVE BILL 47. By C. Carsten, 2nd District; Wiltse, 1st District.

A BILL FOR AN ACT to amend sections 77-2353.01 and 77-2354, Reissue Revised Statutes of Nebraska, 1943, relating to public power and irrigation districts; to authorize additional investments for public power and irrigation districts; to provide for withdrawal of deposits except time certificates of deposit; and to repeal the original sections.

LEGISLATIVE BILL 48. By Stahmer, 8th District.

A BILL FOR AN ACT relating to taxation; to impose a sales tax on lodging as prescribed; to provide for the disposition of proceeds; and to provide an operative date.

LEGISLATIVE BILL 49. By Nore, 22nd District.

A BILL FOR AN ACT to amend section 60-335, Revised Statutes Supplement, 1972, relating to motor vehicle registration; to exempt vehicles used for library purposes from registration fees; and to repeal the original section.

LEGISLATIVE BILL 50. By Administrative Rules and Regulations: Duis, 39th District.

A BILL FOR AN ACT relating to inspections; to create a Department of Inspection; to provide staffing and equipment; to provide duties of the department; and to amend existing inspection statutes.

LEGISLATIVE BILL 51. By Duis, 39th District.

A BILL FOR AN ACT to amend section 44-501, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to make specific provision for payment of total loss claims; and to repeal the original section.

LEGISLATIVE BILL 52. By Kennedy, 21st District.

A BILL FOR AN ACT to amend section 71-176, Reissue Revised Statutes of Nebraska, 1943, relating to the practice of podiatry; to change the manner in which schools are accredited; to provide requirements for annual license renewal; and to repeal the original section.

LEGISLATIVE BILL 53. By Maresh, 32nd District.

A BILL FOR AN ACT relating to retail beverage sales; to require a fee on containers; and to provide a penalty for violation.

LEGISLATIVE BILL 54. By Maresh, 32nd District.

A BILL FOR AN ACT to amend section 75-303, Revised Statutes Supplement, 1972, relating to motor carriers; to provide an exemption; and to repeal the original section.

LEGISLATIVE BILL 55. By Simpson, 46th District.

A BILL FOR AN ACT to amend section 84-1317, Reissue Revised Statutes of Nebraska, 1943, relating to the State Employees Retirement Act; to provide for mandatory retirement at age sixty-five; and to repeal the original section.

LEGISLATIVE BILL 56. By Duis, 39th District.

A BILL FOR AN ACT to amend section 21-2104, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Business Development Corporation Act; to restrict the use of loans made by a development corporation; to eliminate certain requirements; and to repeal the original section.

LEGISLATIVE BILL 57. By Judiciary Committee: Luedtke, Chairman, 28th District.

A BILL FOR AN ACT to amend section 83-176, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Treatment and Corrections Act; to provide for a juvenile court hearing; and to repeal the original section.

LEGISLATIVE BILL 58. By Judiciary Committee: Luedtke, Chairman, 28th District.

A BILL FOR AN ACT to amend sections 43-210 and 83-465, Reissue Revised Statutes of Nebraska, 1943, relating to youth development centers; to provide a minimum age for commitment; and to repeal the original sections.

LEGISLATIVE BILL 59. By Judiciary Committee: Luedtke, Chairman, 28th District.

A BILL FOR AN ACT relating to the Nebraska Center for Children and Youth; to provide for assistance to the juvenile courts in making proper disposition of children.

LEGISLATIVE BILL 60. By Judiciary Committee: Luedtke, Chairman, 28th District.

A BILL FOR AN ACT relating to the taking of fingerprints and photographs of minors.

LEGISLATIVE BILL 61. By Judiciary Committee: Luedtke, Chairman, 28th District.

A BILL FOR AN ACT to amend sections 43-210 and 83-465, Reissue Revised Statutes of Nebraska, 1943, relating to minors; to provide a minimum age for commitment to a youth development center except as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 62. By Judiciary Committee: Luedtke, Chairman, 28th District.

A BILL FOR AN ACT to amend section 83-176, Reissue Revised Statutes of Nebraska, 1943, relating to public institutions; to provide for a juvenile court hearing before a minor may be assigned or transferred to a facility designed primarily for the imprisonment of minors; and to repeal the original section.

EASE

The Legislature was at ease from 10:40 a.m. until 11:30 a.m.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 63. By Barnett, 26th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article III, section 22, of the Constitution of Nebraska, relating to the Legislature; to provide that each session of the Legislature shall make appropriations only for one fiscal year as defined by the Legislature; to provide for the submission of the proposed amendment to the electors at the primary election in May, 1974; to provide for the manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 64. By Barnett, 26th District.

A BILL FOR AN ACT to amend section 39-7,108, Reissue Revised Statutes of Nebraska, 1943, and section 39-723, Revised Statutes Supplement, 1972, relating to rules of the road; to reduce the maximum speed limit; to transfer authority from the Department of Roads to the State Highway Commission; and to repeal the original sections.

LEGISLATIVE BILL 65. By Barnett, 26th District.

A BILL FOR AN ACT to amend sections 79-4,103 and 79-4,104, Reissue Revised Statutes of Nebraska, 1943, relating to public schools; to provide for year-round operation of public schools; and to repeal the original sections.

LEGISLATIVE BILL 66. By Barnett, 26th District.

A BILL FOR AN ACT relating to motor vehicles; to provide for accident reports to be furnished to the Director of Motor Vehicles as prescribed.

LEGISLATIVE BILL 67. By Barnett, 26th District.

A BILL FOR AN ACT to amend section 71-4804, Reissue Revised Statutes of Nebraska, 1943, relating to anatomical gifts; to provide for the use of certain tissues in the absence of a gift; and to repeal the original section.

LEGISLATIVE BILL 68. By Duis, 39th District.

A BILL FOR AN ACT to adopt the Nebraska Real Estate License Act of 1973; to provide an operative date; to provide severability; and to repeal sections 81-862 to 81-884.02 and 81-885 to 81-887.03, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 69. By Snyder, 14th District.

A BILL FOR AN ACT to amend sections 14-1803, 14-1805, 14-1812, and 14-1813, Revised Statutes Supplement, 1972, relating to metropolitan transit authorities; to provide for appointment of members of a board of a transit authority for cities of the metropolitan class as prescribed; to fix terms of members; to fix duties of the authority; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 70. By Snyder, 14th District.

A BILL FOR AN ACT to amend section 75-303, Revised Statutes Supplement, 1972, relating to motor carriers; to exempt motor carriers owned and operated by a transit authority from the provisions of sections 75-301 to 75-322.01 as prescribed; to repeal the original section; and to declare an emergency.

REFERENCE COMMITTEE REPORT

LB	Committee
1	General File
2	General File
3	General File
4	General File
5	General File
6	General File
7	General File
8	Judiciary
9	Constitutional Revision & Recreation
10	Education
11	Public Works
12	Government, Military & Veterans Affairs
13	Government, Military & Veterans Affairs
14	Judiciary
15	Revenue
16	Revenue
17	Agriculture and Environment
18	Revenue
19	Revenue
20	Public Health & Welfare

21	Education
22	Government, Military & Veterans Affairs
23	Government, Military & Veterans Affairs
24	Urban Affairs
25	Miscellaneous Subjects
26	Judiciary
27	Miscellaneous Subjects
28	Education
29	Government, Military & Veterans Affairs
30	Public Health & Welfare
31	Government, Military & Veterans Affairs
32	Public Health & Welfare
33	Government, Military & Veterans Affairs
34	Government, Military & Veterans Affairs
35	Labor
36	Public Works
37	Miscellaneous Subjects
38	Judiciary
39	Banking, Commerce & Insurance
40	Judiciary
41	Constitutional Revision & Recreation
42	Revenue
43	Education
44	Education
45	Public Works
46	Revenue
47	Public Works
48	Revenue
49	Public Works
50	Public Works
51	Banking, Commerce & Insurance
52	Public Health & Welfare
53	Miscellaneous Subjects
54	Public Works
55	Nebraska Retirement Systems
56	Banking, Commerce & Insurance
57	Judiciary
58	Judiciary
59	Judiciary
60	Judiciary
61	Judiciary
62	Judiciary
63	Constitutional Revision & Recreation
64	Public Works
65	Education
66	Agriculture & Environment
67	Judiciary
68	Banking, Commerce & Insurance

69	Urban Affairs
70	Urban Affairs

(Signed) Terry Carpenter, Chairman
Executive Board

UNANIMOUS CONSENT–Committee Meeting

Mr. Duis asked unanimous consent to hold the Rules Committee meeting at 3:00 p.m. today instead of 1:30 p.m. No objections. So ordered.

ADJOURNMENT

At 11:38 a.m., on a motion by Mrs. Marsh, the Legislature adjourned until 10:00 a.m., Thursday, January 4, 1973.

Vincent D. Brown
Clerk of the Legislature

THIRD DAY—JANUARY 4, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 4, 1973

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Proud presiding.

PRAYER

Prayer was offered by the Chaplain.

> O Lord our God, if ever we needed Thy wisdom and Thy guidance, it is now—as our Legislature begins a new session, standing upon the threshold of a new year, fraught with so many dangerous opportunities.
>
> Some old faces are gone from this chamber—and we remember them; other new faces have come—and we welcome them; many familiar faces have returned—and we are gladdened by them.
>
> We are grateful that somehow our beloved State continues to go on with vitality, vigor and energized faith, and we pray that in this new year we together may move on to loftier heights and nobler achievements, for the good of the people in an invigorating climate of freedom, frankness, fortitude, and faithfulness—to what we believe, to one another, and to Thee. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Chambers who was excused and Mr. DeCamp who was absent.

CORRECTIONS FOR THE JOURNAL

Page 46, delete lines 19 and 20 and insert: "79-1340, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change state aid to public schools as prescribed; and to repeal the original".
Page 38, Line 10, Delete 16th and insert 18th.
The Journal for the Second Day was approved as corrected.

Page 10, line 12, insert "Richard M. Fellman".
The Journal for the First Day was approved as corrected.

COMMUNICATION

January 3, 1973

Senator Herbert Duis, Chairman
Committee on Administrative
Rules and Regulations

Dear Senator Duis,

Because of the press of other responsibilities, I must regretfully offer my resignation from your Committee.

Sincerely,

(Signed) Ernie Chambers

clg

UNANIMOUS CONSENT–Committee Meeting

Mr. Carpenter asked unanimous consent for the Executive Board to meet at 1:30 p.m. today. No objections. So ordered.

ANNOUNCEMENT

The Clerk announced that the Bill Drafter will retain an office in room 2010.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 71. By Goodrich, 20th District.

A BILL FOR AN ACT relating to cities of the metropolitan class; to grant cities of the metropolitan class concurrent and joint jurisdiction over any street which is contiguous to and forms a common boundary between a city of the metropolitan class and any county or municipality; and to declare an emergency.

LEGISLATIVE BILL 72. By Goodrich, 20th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article VIII, of the Constitution of Nebraska, relating to revenue; to provide for partial relief from taxation; to provide for the submission of the proposed amendment to the electors at the general election in November, 1974; to provide for the manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 73. By Goodrich, 20th District.

A BILL FOR AN ACT to adopt the Land Reutilization Act.

LEGISLATIVE BILL 74. By Anderson, 37th District.

A BILL FOR AN ACT to amend sections 23-1114.02, 23-1114.03, 23-1114.04, 23-1114.05, and 23-1114.06, Revised Statutes Supplement, 1972, relating to county officers; to provide salaries for county officers as prescribed; to provide when a change in such salaries shall become operative; and to repeal the original sections.

LEGISLATIVE BILL 75. By Anderson, 37th District.

A BILL FOR AN ACT to amend sections 23-227, 23-250, 23-252, 23-253, and 23-259, Reissue Revised Statutes of Nebraska, 1943, relating to counties under township organization; to harmonize provisions with the Nebraska Budget Act; and to repeal the original sections and also section 23-257, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 76. By Schmit, 23rd District.

A BILL FOR AN ACT to amend section 2-1208.01, Reissue Revised Statutes of Nebraska, 1943, relating to the State Racing Commission; to increase the tax rate; and to repeal the original section.

LEGISLATIVE BILL 77. By Schmit, 23rd District.

A BILL FOR AN ACT to amend section 60-434, Revised Statutes Supplement, 1972, relating to the state patrol; to change the number of investigators; and to repeal the original section.

LEGISLATIVE BILL 78. By Clark, 47th District; Duis, 39th District.

A BILL FOR AN ACT to adopt the Gas Utility Act; to provide for the regulation of gas utilities as prescribed: to amend sections 14-106, 15-266, 16-679, 17-528.02, 57-903, 57-904, 57-911, 57-912, 57-917, 57-918, and 57-921, Reissue Revised Statutes of Nebraska, 1943, and section 57-905, Revised Statutes Supplement, 1972, relating to the Nebraska Oil and Gas Conservation Commission; to change the name of the commission and the compensation of its members; to provide an operative date; and to repeal the original sections, and also sections 18-414 and 18-415, Revised Statutes Supplement, 1972.

LEGISLATIVE BILL 79. By Executive Board: Carpenter, Chairman, 48th District.

A BILL FOR AN ACT to amend section 50-313, Revised Statutes Supplement, 1972, relating to lobbying; to change the period for which a certificate is valid; to repeal the original section, and also section 50-312, Reissue Revised Statutes of Nebraska 1943.

LEGISLATIVE BILL 80. By Executive Board: Carpenter, Chairman, 48th District.

A BILL FOR AN ACT to amend section 81-116, Reissue Revised Statutes of Nebraska, 1943, relating to the state admistrative department; to provide the Executive Board of the Legislative Council with discretionary power; and to repeal the original section.

LEGISLATIVE BILL 81. By Executive Board: Carpenter, Chairman, 48th District.

A BILL FOR AN ACT to amend section 50-503, Reissue Revised Statutes of Nebraska, 1943, relating to legislative emergency succession; to correct the succession of presiding officers; and to repeal the original section.

LEGISLATIVE BILL 82. By Executive Board: Carpenter, Chairman, 48th District.

A BILL FOR AN ACT to amend section 50-112, Reissue Revised Statutes of Nebraska, 1943, relating to the organization of the Legislature; to delete the reference to overtime; and to repeal the original section, and also sections 50-117, 50-120, and 50-121, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 83. By Executive Board: Carpenter, Chairman, 48th District.

A BILL FOR AN ACT to amend section 49-509, Revised Statutes Supplement, 1972, relating to publication and distribution of session laws; to change time for sale; and to repeal the original section.

LEGISLATIVE BILL 84. By Executive Board: Carpenter, Chairman, 48th District.

A BILL FOR AN ACT relating to the publication of the Legislative Journal; to provide for the manner in which the journal is bound.

LEGISLATIVE BILL 85. By Executive Board: Carpenter, Chairman, 48th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article III, section 10, of the Constitution of Nebraska, relating to the Legislature; to change the date when the Legislature shall meet in regular session; to provide for the submission of the proposed amendment to the electors at the general election in November, 1974; to provide for the manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 86. By Duis, 39th District.

A BILL FOR AN ACT relating to admistrative departments; to provide for licensing of real estate appraisers; to define terms; to provide procedure; to create powers and duties of the real estate commission; to provide penalties; and to provide an operative date.

LEGISLATIVE BILL 87. By Public Works Committee: Wiltse, Chairman, 1st District.

A BILL FOR AN ACT to amend sections 39-846, 39-847, 39-849, 39-850, 39-851, and 39-852, Reissue Revised Statutes of Nebraska, 1943, relating to bridges; to establish a program of state aid in the replacement of county or municipal bridges as prescribed; to delete obsolete matter; and to repeal the original sections, and also section 39-853, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 88. By Public Works Committee: Wiltse, Chairman, 1st District.

A BILL FOR AN ACT to repeal sections 39-803 and 46-264, Reissue Revised Statutes of Nebraska, 1943, relating to bridges.

LEGISLATIVE BILL 89. By Hasebroock, 18th District.

A BILL FOR AN ACT to authorize doctors of medicine or the person in charge of any rescue unit to direct the removal of any body where the death was obviously caused by accidental means as prescribed.

LEGISLATIVE BILL 90. By Stull, 49th District.

A BILL FOR AN ACT to amend section 60-407, Revised Statutes Supplement, 1972, relating to motor vehicle operators' licenses; to change provisions for operating with a learner's permit; and to repeal the original section.

LEGISLATIVE BILL 91. By Keyes, 3rd District.

A BILL FOR AN ACT to amend sections 77-2702 and 77-2703, Reissue Revised Statutes of Nebraska, 1943, relating to sales taxes; to provide for sales taxes on commissions charged on sales of securities and commodities; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 92. By Snyder, 14th District.

A BILL FOR AN ACT to amend sections 43-607 and 43-616.01, Revised Statutes Supplement, 1972, relating to handicapped and trainable mentally retarded children; to provide the mileage expense for handicapped and trainable mentally retarded children as prescribed; and to repeal the original sections, and also section 43-616.04, Revised Statutes Supplement, 1972.

LEGISLATIVE BILL 93. By Snyder, 14th District.

A BILL FOR AN ACT to amend section 21-1519, Reissue Revised Statutes of Nebraska, 1943, relating to hospital service corporations; to change the provisions for investment of funds; and to repeal the original section.

LEGISLATIVE BILL 94. By Snyder, 14th District.

A BILL FOR AN ACT to make appropriations to the University of Nebraska-Omaha Campus, Agency 51-2; to provide for the drawing and payment of warrants; and to declare an emergency.

LEGISLATIVE BILL 95. By Nore, 22nd District.

A BILL FOR AN ACT to amend section 23-925, Revised Statutes Supplement, 1972, relating to county government; to provide for hearings on any budget of a governmental subdivision that affects more than one county budget as prescribed; and to repeal the original section.

LEGISLATIVE BILL 96. By Simpson, 46th District.

A BILL FOR AN ACT to amend section 48-217, Reissue Revised Statutes of Nebraska, 1943, relating to labor; to delete the prohibition of the agency shop; and to repeal the original section.

LEGISLATIVE BILL 97. By Moylan, 6th District.

A BILL FOR AN ACT to amend section 14-117, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the metropolitan class; to change the manner in which corporate limits are extended; and to repeal the original section.

LEGISLATIVE BILL 98. By Whitney, 44th District.

A BILL FOR AN ACT to amend sections 72-257 and 72-258.01, Reissue Revised Statutes of Nebraska, 1943, relating to school lands; to limit the number of tracts that must be offered for sale in any one year; to change provisions respecting contiguous tracts; to provide for staggering of renewal leases; to provide for plats and dedications; and to repeal the original sections.

UNANIMOUS CONSENT—Change of Name

Mr. Marvel asked unanimous consent to place his name on LB 63 as introducer and strike Senator Barnett's name. No objections. So ordered.

UNANIMOUS CONSENT—Penal Reform Report

Mr. Luedtke asked unanimous consent to have the penal reform report on Monday, January 8, 1973, at 2:00 p.m. No objections. So ordered.

ANNOUNCEMENT

The Chair announced that we would not meet tomorrow and when we adjourn today that we adjourn until Monday, January 8, 1973 at 10:00 a.m.

UNANIMOUS CONSENT—Ease

Mr. Carpenter asked unanimous consent to have the Legislature ease for about 30 minutes for the Committees to caucus to select their Vice-Chairmen and Secretary. No objections. So ordered.

EASE

The Legislature was at ease from 10:20 a.m. until 10:48 a.m.

COMMITTEE CAUCUS REPORTS

Agriculture and Environment—Schmit, Chairman; Epke, Vice-Chairman.

Appropriations—Marvel, Chairman; Clark, Vice-Chairman.

Banking, Commerce and Insurance—Carstens, Chairman; Duis, Vice-Chairman.

Constitutional Revision and Recreation—Syas, Chairman; Anderson, Vice-Chairman; Kelly, Secretary.

Education—Warner, Chairman; Kelly, Vice-Chairman; Dickinson, Secretary.

Government, Military and Veterans Affairs—Chambers, Chairman; Barnett, Vice-Chairman.

Judiciary—Luedtke, Chairman; Stull, Vice-Chairman.

Labor—Maresh, Chairman; Kime, Vice-Chairman.

Miscellaneous Subjects—Waldron, Chairman; Cavanaugh, Vice-Chairman.

Public Health and Welfare—Kennedy, Chairman; R. Lewis, Vice-Chairman.

Public Works—Kremer, Chairman; Wiltse, Vice-Chairman.

Revenue—Burbach, Chairman; Epke, Vice-Chairman; Rasmussen, Secretary.

Rules—Duis, Chairman; Stromer, Vice-Chairman.

Urban Affairs—Snyder, Chairman; F. Lewis, Vice-Chairman; Fowler, Secretary.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 99. By Hasebroock, 18th District.

A BILL FOR AN ACT to amend section 35-101, Revised Statutes Supplement, 1972, relating to volunteer firemen; to remove the exemption of volunteer members in any fire company or hook and ladder company from serving upon grand and petit juries in this state; and to repeal the original section.

LEGISLATIVE BILL 100. By Barnett, 26th District.

A BILL FOR AN ACT to repeal section 83-125, Reissue Revised Statutes of Nebraska, 1943, relating to state institutions.

LEGISLATIVE BILL 101. By Schmit, 23rd District.

A BILL FOR AN ACT relating to physician's assistants; to define terms; to provide when a physician's assistant may render services; to provide for the certification of programs and physician's assistants; to establish guidelines for applications for physician's assistants; to require annual reports to the Legislature; to set fees; and to provide for penalties.

NOTICE OF COMMITTEE HEARING
Constitutional Revision and Recreation

LB 41	Thursday, January 11, 1973	2:00 p.m.
LB 63	Thursday, January 11, 1973	2:00 p.m.
LB 9	Thursday, January 18, 1973	2:00 p.m.

(Signed) George Syas, Chairman

UNANIMOUS CONSENT—Committee Meetings

Mr. Whitney asked unanimous consent to have a meeting of the Committee on Committees at 11:00 a.m. today. No objections. So ordered.

Mr. Marvel asked unanimous consent for the Appropriations Committee to meet at 11:00 a.m. in Room 1003. No objections. So ordered.

Mr. Carpenter asked unanimous consent to have the Executive Board meet immediately upon recess instead of this afternoon. No objections. So ordered.

MOTION—Furnish Statutes

Mr. Cavanaugh moved that the State Librarian be authorized and directed to furnish the Committee on Enrollment and Review a copy of the current Reissue Revised Statutes of Nebraska, 1943, and the 1972 Supplement thereto. The motion prevailed.

RECESS

At 10:56 a.m., on a motion by Mr. Hasebroock, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Proud presiding.

ROLL CALL

The roll was called and all members were present except for Mr. Chambers who was excused and Mr. DeCamp who was absent.

UNANIMOUS CONSENT—Member Excused

Mr. Skarda asked unanimous consent to be excused Monday, January 8, 1973. No objections. So ordered.

UNANIMOUS CONSENT—Withdraw Name

Mr. Stahmer asked unamimous consent to withdraw his name from the Intergovernmental Cooperation Committee and substitute Mr. Savage. No objections. So ordered.

COMMITTEE CAUCUS REPORTS

Conflict of Interest Committee – Skarda, Chairman; Hasebroock, Vice-Chairman; Meyer, Secretary.

Committee on Committees – Barnett, Vice-Chairman.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 102. By Savage, 10th District.

A BILL FOR AN ACT to amend sections 43-601, 43-611, 43-630, and 43-632, Revised Statutes Supplement, 1972, relating to handicapped children; to provide for care and education to multihandicapped children at state expense; to clarify terms relating to the administration of programs; to repeal the original sections, and also section 43-639, Revised Statutes Supplement, 1972; and to declare an emergency.

LEGISLATIVE BILL 103. By Savage, 10th District.

A BILL FOR AN ACT to amend sections 18-1901, 18-1903, and 18-1905, Reissue Revised Statutes of Nebraska, 1943, relating to the board of plumbers; to increase the number of members on the board of plumbers; to provide that a health director shall act as a member of the board of plumbers; to provide that meetings of the board of plumbers shall meet without the call of the chief health officer; and to repeal the original sections.

LEGISLATIVE BILL 104. By Syas, 13th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article VIII, section 2, of the Constitution of Nebraska, relating to taxation; to provide special tax treatment for real estate upon which is located water or growing timber and woody plants under prescribed conditions; to provide for the submission of the proposed amendment to the electors at the general election in November, 1974; to provide for the manner of submission and form of ballot; and to provide the effective date thereof.

LETTER FROM SECRETARY OF STATE

January 4, 1973

The Speaker of the Legislature
Eighty-Third Session of the Legislature, Regular (First Session)
State Capitol
Lincoln, Nebraska 68509

Honorable Speaker:

I am submitting to you a certificate stating that the Oath for the following listed state officials for the term beginning January 4, 1973, and ending January 4, 1979, is on file in the office of the Secretary of State:

James F. Munnelly, Public Service Commission (District Two)

The required Oaths of Office for the following elected officials are also on file in the office of the Secretary of State for:

MEMBERS OF THE STATE BOARD OF EDUCATION

Frank E. Landis, Sr.	First District
R. Jerry Hargitt	Second District
Walter L. Moller	Third District
Willard H. Waldo	Fourth District

REGENTS OF THE UNIVERSITY OF NEBRASKA

Edward Schwartzkopf	First District
Kermit Hansen	Second District

JUDGES OF THE SUPREME COURT

Harry A. Spencer	First District
Leslie Boslaugh	Fifth District

JUDGE OF THE NEBRASKA WORKMEN'S COMPENSATION COURT

Richard S. Wiles

Respectfully submitted,

(Signed) Allen J. Beermann
Secretary of State

Enclosure

CERTIFICATE

STATE OF NEBRASKA

Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that:

James F. Munnelly, Public Service Commission, District Two (Second) has filed his Oath of Office with the Secretary of State as required by law.

I further certify that the required oaths have been filed in the office of the Secretary of State by the following named individuals:

MEMBERS OF THE STATE BOARD OF EDUCATION

Frank E. Landis, Sr.	First District
R. Jerry Hargitt	Second District
Walter L. Moller	Third District
Willard H. Waldo	Fourth District

REGENTS OF THE UNIVERSITY OF NEBRASKA

Edward Schwartzkopf	First District
Kermit Hansen	Second District

JUDGE OF THE SUPREME COURT

Harry A. Spencer	First District
Leslie Boslaugh	Fifth District

JUDGE OF THE NEBRASKA WORKMEN'S COMPENSATION COURT

Richard S. Wiles

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Fourth day of January in the year of our Lord, One thousand nine hundred and seventy-three.

(Signed) Allen J. Beermann
Secretary of State

(SEAL)

RESOLUTIONS

LEGISLATIVE RESOLUTION 2.

Introduced by Orval Keyes, 3rd District.

WHEREAS, the United States Department of Agriculture has caused:

1. Stopping the funding for soil conservation practices through elimination of the Rural Environmental Assistance Program (REAP); and
2. The calling in of grain without reseal privileges by the Commodity Credit Corporation to keep the price down and that forcing grain on the market does not lower the price of food to the consumer but only forces the price of grains to decline making it possible for the Communist countries of the world to live cheaper at the expense of the American farmer; and
3. The shutting off of the money available for loans for grain storage facilities;
4. Increasing and removing privileges of the quotas of meat import into the United States; and
5. Discontinuing emergency disaster loans by the Farmers Home Administration; and
6. Changing the loan program for Rural Electrification whereby rural areas will be faced with higher interest charges for electricity.

NOW THEREFORE BE IT RESOLVED by the members of the 83rd Legislature of Nebraska, First Session:

1. That the Legislature of the State of Nebraska wishes to go on record as opposing the aforementioned actions of the United States Department of Agriculture and to encourage the Congress of the United States to re-evaluate its programs in the interest of rural America;
2. That a copy of this resolution be sent to the President of the United States, the Secretary of Agriculture of the United States and to members of the Nebraska delegation in Congress.

EASE

The Legislature was at ease from 1:40 p.m. until 2:00 p.m.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 105. By Proud, 12th District.

A BILL FOR AN ACT to appropriate sixty thousand dollars from the state General Fund to Eastern Nebraska Technical Community College

Area to pay administrative and operating expenses for the period from the effective date of this act until June 30, 1973, and to declare an emergency.

LEGISLATIVE BILL 106. By Whitney, 44th District.

A BILL FOR AN ACT to amend sections 79-1330, 79-1331, 79-1332, 79-1333, and 79-1344, Reissue Revised Statutes of Nebraska, 1943, relating to state aid to education; to provide a source of funds; to change certain definitions and names; to provide a method of distribution; to repeal the original sections, and also sections 79-1334, 79-1335, 79-1336, 79-1337, 79-1338, 79-1339, 79-1340, 79-1342, 79-1343, and 79-1344.01, Reissue Revised Statutes of Nebraska, 1943, and section 79-1333.01, Revised Statutes Supplement, 1972; and to declare an emergency.

REFERENCE COMMITTEE REPORT

LB	Committee
71	Urban Affairs
72	Constitutional Revision and Recreation
73	Agriculture and Environment
74	Government, Military and Veterans Affairs
75	Government, Military and Veterans Affairs
76	Revenue
77	Miscellaneous Subjects
78	Miscellaneous Subjects
79	General File
80	General File
81	General File
82	General File
83	General File
84	Judiciary
85	Constitutional Revision and Recreation
86	Banking, Commerce and Insurance
87	Public Works
88	Public Works
89	Public Health and Welfare
90	Public Works
91	Revenue
92	Public Health and Welfare
93	Banking, Commerce and Insurance
94	Revenue
95	Government, Military and Veterans Affairs
96	Labor
97	Urban Affairs
98	Agriculture and Environment
99	Labor
100	Public Health and Welfare

101	Public Health and Welfare
102	Public Health and Welfare
103	Public Health and Welfare
104	Constitutional Revision and Recreation
105	Education
106	Education
36	Re-referred from Public Works to Agriculture and Environment

(Signed) Eugene T. Mahoney, Vice-Chairman
Executive Board

RESOLUTIONS

LEGISLATIVE RESOLUTION 3.

Introduced by Maurice A. Kremer, 34th District.

WHEREAS, the National Water Commission, established in 1968 by the 90th Congress by the passage of P.L. 90-515, has recently distributed a draft report for review by the States and other natural resources interests pursuant to its assigned responsibilities of submitting a final report to the President and to Congress; and

WHEREAS, the National Water Commission has undoubtedly devoted much time and energy to the preparation of such a report; and

WHEREAS, the draft report contains much material and numerous recommendations, some of which seem improperly conclusive or unfounded in fact, such as the prediction of greatly reduced national needs for irrigated acreage by the year 2000, which was apparently based upon theoretical economic assumptions, or the recommendation that all costs of future federal irrigation projects should be recovered from the irrigators, without any recognition that irrigators are not the only class benefitting from irrigation projects; and

WHEREAS, the State of Nebraska has a great interest in the future development and protection of its natural resources and the final report of the National Water Commission may have extensive impact upon that future;

NOW THEREFORE BE IT RESOLVED by the members of the Eighty-Third Legislature of Nebraska, First Session, that the Legislature commends the National Water Commission for its time and energy devoted to the preparation of such an extensive report, but cautions the Commission to carefully reconsider their work, being certain that each statement is proper and leads to a valid conclusion based upon fact so that he Commission's ultimate recommendations are the best possible, and the ommission's final report may become a foundation for proper natural sources development and protection nationally;

BE IT FURTHER RESOLVED that copies of this resolution be sent to the President of the United States, the National Water Commission, and the Nebraska Congressional Delegation.

LEGISLATIVE RESOLUTION 4.

Introduced by Richard Maresh, 32nd District.

WHEREAS, on December 22, 1972, the Secretary of Agriculture advised all Agricultural Conservation and Stabilization Service State offices in the nation that the Rural Environmental Assistance Program would be terminated immediately; and

WHEREAS, the Nebraska Legislature has long recognized the impact of land and water conservation practices; and

WHEREAS, the Rural Environmental Assistance Program, through cost-sharing, has well illustrated the importance of governmental assistance for conservation of the soil and water resources on the farms and ranches of this nation, because the economic returns from such practices accrue more generally to the community than to the landowner; and

WHEREAS, the environmental usefulness of the program has been capably demonstrated by cost-sharing on practices that provide both water for fish and cover for wildlife and enhancement of recreation, and the value has further increased through recently instituted cost-sharing on feedlot pollution control; and

WHEREAS, the economic situation of rural America was well recognized during congressional hearings on the Rural Development Act of 1972; and

WHEREAS, Congress passed the Rural Development Act; and

WHEREAS, the recent announcement by the administration of the discontinuance of the Rural Environmental Assistance Program appears in direct violation of congressional desires on rural development;

NOW THEREFORE BE IT RESOLVED by members of the Eighty-Third Legislature of Nebraska, First Session assembled, that:

1. The Rural Environmental Assistance Program be reinstated immediately;

2. Funds for the program be continued on a realistic basis to provide for the continued federal cost-sharing for the application of conservation and water quality improvement practices; and

3. Copies of this resolution be sent to the President of the United States, the Secretary of Agriculture, and the members of the Nebraska congressional delegation as a means of transmitting to these distinquished gentlemen the very high priority that the members of the Nebraska Legislature establishes for the Rural Environmental Assistance Program in our State.

NOTICE OF COMMITTEE HEARING
Public Health and Welfare Committee

LB 20	Monday, January 15, 1973	2:00 p.m.
LB 52	Monday, January 15, 1973	2:00 p.m.
LB 30	Tuesday, January 16, 1973	2:00 p.m.
LB 32	Tuesday, January 16, 1973	2:00 p.m.

(Signed) Thomas C. Kennedy, Chairman

INAUGURAL CEREMONIES

ESCORT COMMITTEE

Kermit Hansen, Omaha, District 2 of the Board of Regents was escorted to the Rostrum.

Walter L. Moller, Wayne, 3rd District; and R. Jerry Hargitt, Omaha, 2nd District of the State Board of Education were escorted to the Rostrum.

James P. Munnelly, Omaha, 2nd District of the Public Service Commission was escorted to the Rostrum.

Richard S. Wiles, Judge, Workmen's Compensation Court,was escorted to the Rostrum.

Messrs. Nore, Waldron, Luedtke, Cavanaugh, Kime, Kelly and Dickinson escorted the following members of the Supreme Court:

Paul White
Leslie Boslaugh
Hale McCown
John Newton
Robert Smith
Harry Spencer
Larry Clinton

SWEARING IN CEREMONIES

Chief Justice White issued oath of office to Kermit Hansen, Omaha, District 2 of the Board of Regents.

Chief Justice White issued oath of office to members of the Board of Education – Walter L. Moller, Wayne, 3rd District; and R. Jerry Hargitt, Omaha, 2nd District.

Chief Justice White issued oath of office to James P. Munnelly, Omaha, 2nd District, member of the Public Service Commission.

Chief Justice White issued oath of office to Richard S. Wiles, member of the Workmen's Compensation Court.

Chief Justice White issued oath of office to members of Supreme Court – Justice Leslie Boslaugh and Harry Spencer.

ESCORT GUESTS FROM CHAMBER

The Supreme Court Justices were escorted to Governor's Suite.

The Workmen's Compensation Judge was escorted to the outside of the Chamber.

The Public Service Commission member was escorted to outside of the Chamber.

The members of the State Board of Education were escorted to outside of the Chamber.

The member of the Board of Regents was escorted to the outside of the Chamber.

The new Senators were excused to Governor's Suite for receiving line.

ADJOURNMENT

At 2:28 p.m., on a motion by Mr. Syas, the Legislature adjourned until 10:00 a.m., Monday, January 8, 1973.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 8, 1973

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Marsh presiding.

PRAYER

Prayer was offered by the Chaplain.

> Our Father, before we become involved in the routine of another day, we stop to seek Thy help. Experienced in the ways of men so well, we know all too little of the ways of God. But Thou knowest each one of us, by name and by need. Therefore turn our wayward minds and hearts to Thee. Forgive our faults and failures that we have committed in the past and set us free from them. Forgive our failure to apply to ourselves the standards of conduct we demand of others. Forgive our slowness to see the good in others or to see the evil in ourselves. In our differences may we be kind; in our agreements may we be humble, that Thy will may be done in us and through us in our beloved state. For Jesus' sake. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Kime who was excused until noon and Messrs. Skarda, Moylan and Fellman who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Third Day was approved.

ANNOUNCEMENT

The Clerk announced the Senators 1973 telephone credit cards are being assed out this morning.

LETTER FROM NEBRASKA EDUCATIONAL TELEVISION COMMISSION

January 4, 1973

Mr. George C. Gerdes
Executive Director
Legislative Council
State Capitol
Lincoln, Nebraska 68509

Dear Mr. Gerdes:

Pursuant to the action of the Legislature on December 5, 1972, wherein a motion by Senator Carpenter was adopted, the Nebraska Educational Television Commission submits this proposal for implementation of that action.

As contained in the attached letter (see Appendix A) of December 6, 1972, from Mr. Vincent D. Brown, Clerk of the Legislature, the motion was as follows:

"I move that the Educational Television Network be directed to televise and record all proceedings of the legislature in session; that at least thirty minutes of said proceedings be broadcast each day the legislature is in session; that the Educational Television Commission make available its legislative television programs to commercial television stations to permit said commercial television stations to obtain sponsorship for the same for viewing during prime time; that the Educational Television Network be directed to televise those public hearings held before legislative committees which they deem to be of importance to the public; that audio tapes of said legislative television programs be made available to all radio stations within the State of Nebraska."

Also as contained in Mr. Brown's letter was: "Another portion of the motion as an amendment offered by Senator Burbach and adopted by the Legislature provided that adequate lighting must be provided so as to reduce the intense glare of the lights."

To implement these actions certain basic assumptions must be made by the Nebraska Educational Television Commission:

1. The programs should be recorded in color. With virtually all television stations in Nebraska producing programs in color, to record the programs in monochrome would lessen the probability of their use. The capital equipment and annual operating dollar figures requested herein reflect the assumption that the programs will be recorded in color.

2. The second assumption is that some action will be taken by the Legislature to provide for permanent lighting necessary to produce programs in color. The amendment by Senator Burbach reflects this need. The Nebraska Educational Television Commission is aware of plans and

specifications drawn by Imero Fiorentino and Associates to provide for the lighting level necessary for color recording and at the same time diffusing the light to reduce the glare.

3. It is assumed by the Nebraska Educational Television Commission that all post-production distribution expenses will be borne by the using commercial television stations. The cost of making the duplicate copies of each program would be provided by the Commission, but the videotape stock, shipping charges, and other miscellaneous out-of-pocket costs would be paid by the using stations.

4. Any programs recorded would be available to Nebraska commercial radio and television stations. Since its inception in 1954 Nebraska ETV has made available all locally funded and produced programs to Nebraska commercial stations.

THE PROPOSAL–To provide the daily, continuous coverage of Legislative debate and committee hearings held in the Legislative Chamber, the Nebraska Educational Television Commission proposes to install a permanent color camera system in the Legislative Chamber. The pictures from these cameras and the sound from the existing public address system would be fed into a control room located in the Capitol Building where a director would select the appropriate camera to be fed into an audio and video cable to the Nebraska Educational Telecommunications Center at 1800 North 33rd Street. Two video recorders would be used to provide continuous recording of Legislative proceedings. During the Legislative day an assistant director would be taking notes to facilitate the later selection of scenes to be used in the editing of the daily program. Following adjournment, the program producer, working with the recording engineer would assemble a complete program to be aired on the network later that night.

Following the completion of the program editing, multiple copies of the program would be made for distribution to the Nebraska commercial television and radio stations. If the commercial stations preferred, each station could make a simultaneous off-air recording in their own stations at the time of broadcast on the Nebraska ETV Network.

To provide the daily thirty minute Legislative program, edited from recordings of the total proceedings of the Legislature, the following equipment and personnel would be required:

ITEM	USE	COST	AVAILABILITY
A. CAPITAL EQUIPMENT (See Appendix B for detailed cost breakdown)			
1. Color Camera Equipment	To provide continuous color origination from the Legislative Chamber	$239,293	Jan. 1, 1974
2. Audio Equipment	To provide continuous sound origination from the Legislative Chamber and to provide audio recordings for radio stations	6,618	Jan. 1, 1974

ITEM	USE	COST	AVAILABILITY
3. Terminal & Switching Equip.	Monitoring and routing of picture and sound from the Legislative Chamber	24,930	Jan. 1, 1974
4. Receiving, Recording & Editing Equipment at ETV Center	To receive, record and edit picture and sound into completed programs	$254,750	Jan. 1, 1974
5. Installation	Installation labor costs	5,000	Aug.—Dec., 1973
	CAPITAL EQUIPMENT TOTAL	$530,591	(See note below)
B. ANNUAL OPERATING COSTS (See Appendix C for detailed cost breakdown)			
1. Salaries	Personnel	$ 75,499	Dec. 1, 1973
2. Tubes & Parts	Maintenance of technical equipment	10,404	Jan. 1, 1974
3. Tape Stock	Audio and Videotape stock for continuous recording	5,330	Jan. 1, 1974
4. Contractual Services	Lease of Telephone Co. Audio & Video Lines to and from State Capital/ETV Center	3,270	Dec. 1, 1973
	TOTAL ANNUAL OPERATING COSTS	94,503	

NOTE: Capital equipment costs do not include the costs of permanent lighting for the Legislative Chamber mentioned on page 75. These costs were earlier estimated to be $55,000.

ITEM	USE	COST	AVAILABILITY
C. SPACE REQUIREMENTS			
1. Control Room	Approximately 600 sq. feet to house control equipment and to store cameras when not in use	No Cost*	Required by Aug. 1, 1973

*Additional electrical power may be required depending on space made available.

There are alternate, less expensive methods of providing expanded coverage of Legislative activities. The following alternative proposals are listed in the order of decreasing cost and coverage.

ALTERNATIVE PROPOSAL NO. 1

The Nebraska Educational Television Commission has $160,000 contained in its budget request for 1973-74 to be used for local matching funds in a proposed application to the Department of Health, Education and Welfare for the acquisition of a color mobile unit. Current HEW regulations allow up to a maximum of 75% federal funding of the broadcast television equipment contained in such units. The total cost of this unit is estimated to be approximately $640,000.

If this application were funded by HEW the same level of service as contained in the basic proposal could be provided with the following additional equipment and personnel:

	ITEM	USE	COST	AVAILABILITY
A.	CAPITAL EQUIPMENT			
1.	Mobile unit	To provide coverage of Legislature and other Nebraska Programming	$160,000 (see above)	Jan. 1, 1974
2.	Receiving, Recording & Editing equipment at ETV Center	To receive, record and edit picture and sound into completed programs	254,750	Jan. 1, 1974
3.	Installation	Manpower and parts	1,000	Dec. 1, 1973
B.	ANNUAL OPERATING COSTS (See Appendix C for detailed cost breakdown)			
1.	Salaries	Personnel	$ 75,499	Dec. 1, 1973
2.	Tubes & Parts	Maintenance of technical equipment	10,404	Jan. 1, 1974
3.	Tape Stock	Audio and Videotape stock for continuous recording	5,330	Jan. 1, 1974
4.	Contractual Services	Lease of Telephone Co. Audio & Video Lines to and from State Capital/ ETV Center	3,270	Dec. 1, 1973
		TOTAL ANNUAL OPERATING COSTS	$94,503	

ALTERNATIVE PROPOSAL NO. 2

This alternative proposal would allow for increasing the current coverage of the Legislature from the present two days per week and the resultant sixty minute program to three days per week and two sixty minute programs.

With the acquisition of the color mobile unit as outlined in Alternative Proposal No. 1, the Nebraska Educational Television Commission would propose to devote two days per week in coverage of Legislative debate and one day per week in coverage of committee hearings. This coverage would then be edited into one sixty minute program of Legislative debate and one sixty minute program on committee hearings. This proposal would increase our Legislative coverage by 100%.

As contained in the basic proposal, copies of these programs would be made available to the Nebraska commercial stations.

To provide this coverage the following equipment and personnel would be required in addition to present personnel and equipment:

	ITEM	USE	COST	AVAILABILITY
A.	CAPITAL EQUIPMENT			
1.	Mobile Unit	To provide coverage of Legislature and other Nebraska programming	$160,000	Jan. 1, 1974 (If HEW responds prior to 9/1/73)
		TOTAL CAPITAL EQUIPMENT	$160,000	
B.	ANNUAL OPERATING COSTS			
1.	Salaries	Personnel:		Dec. 1, 1973
		1 Producer/Director	10,000	
		1 Assistant Director	5,500	
		Employee Benefits	1,837	
		TOTAL	$17,337	
2.	Tape Stock	To record program mat.		Jan. 1, 1974
		10 one hour @ $170	1,700	
		20 audio tapes @ $3	60	
	TOTAL ADDITIONAL ANNUAL OPERATING COSTS		$19,097	

From time to time various senators have requested facilties for the preparation of audio and film recordings to be sent to their local radio and television stations. The following two recommendations are submitted by the Nebraska Educational Television Commission in response to those requests.

RECOMMENDATION 1

Establishment of a Permanent Audio Recording Room

It is proposed that a room be made available for use as a permanent audio recording room under the maintenance and direction of the Nebraska ETV Commission.

Any room conveniently located near the Legislative Chamber and containing approximately 250 square feet is of an appropriate size to handle audio recording. Professional audio recording equipment would be permanently located in this room and a professional communications specialist would be available for an 8 hour period each day to operate the equipment, to interview or question senators on tape, and to counsel them in the best use of the radio medium. Senators would at their convenience come to the room and record on audio tape short statements, interview, comments. The audio reels would then be placed in shipping cartons by the specialist and mailed to radio stations of the senators' choosing.

The audo Recording Room and its equipment woulf be available as well to Nebraska radio station representatives for interviews and other programming with senators as instigated by the stations. The Room would further be used by the ETV Network producer for public affairs (Joel Fowler) to record segments for use on weekly legislative programs.

It is proposed that the costs of outfitting and equipping and manning the Room be borne by the State, with the costs of the audio tape, reel shipping carton and mailing to be assumed by the using senator. Typical cost to a senator for a 3 inch reel (3½ minutes) plus carton and mailing would be $1.50. It is believed that this is a more equitable method of operation than having the State subsidize the total cost. Senators would need to establish schedule and length of use restrictions and other operational procedures equitable to all members.

COST:

-Audio Equipment, Including Recorders, Microphones, Control & Editing Equipment	$ 7,500
-Initial Supply of Tapes & Reels	200
-Wall Sound Proofing & AC Wiring	200
	$ 7,900
-Audio Communications Specialist, Incl. Employee Benefits/Per Year	$10,800
TOTAL COST	$18,700

(It is assumed that the State Superintendent of Building and Grounds would provide a desk, chairs, and other appropriate furniture without charge.)

RECOMMENDATION 2

Establishment of a Permanent TV Film Recording Room

With little additional cost, the same Room could be made to function as a TV Film – as well as Audio – Recording Room.

The room would be permanently equipped with professional TV film as well as audio recording equipment, and maintained and operated by the same individual who would be a combination Radio/Film Communications Specialist assigned to the ETV Commission. The specialist would again provide advice to senators as to the best use of the TV medium. Senators would be able at their convenience to come to the room and quickly record simultaneously on color sound film and audio tape, or separately on film short statements, interviews, comments. The color film would be delivered by the specialist to Station KOLN-TV in Lincoln where arrangements would be made, on behalf of the Nebraska broadcasters, for processing that same day. Processed film would then be placed in a shipping carton and mailed to the tlelvision station of the senator's choosing.

Similar time and other operational limitations would have to be developed. The film equipment would be available to the ETV public affairs producer for recording segments for use on ETV Network programming from the Legislature. The room would also be available to Nebraska commercial TV stations personnel for their special programming with senators.

It is proposed that color film equipment and TV communications specialist costs be borne by the State, with out-of-pocket costs for film stock, color processing and mailing reimbursed by the senators using this service. Typical cost to a senator for a 100 foot (3 minute) film segment sent to a TV station would be approximately $20.00.

COST:

-Film Equipment, Including Camera, Control, Lighting	$ 8,000
-Initial Film, Reel and Shipping Carton Supply	2,000
-Additional Wiring and Room Preparation	900
TOTAL ADDITIONAL COST	$10,900

(Assumes salary for communications specialist as listed in Recommendation 1.)

We will be pleased to provide elaboration on these proposals and recommendations. We would appreciate the opportunity to meet with you to discuss the several aspects of the proposals.

Sincerely,

(Signed) Jack McBride
General Manager

cc:Honorable Terry Carpenter

APPENDIX B

1. Camera Equipment At The Capitol

Cameras (3) KCU-40's	$195,858	
Tripods, dollies, pan & tilt heads (3 each)	$ 6,780	
Lens, manual (3) Schneider 11.2 x 1	$ 29,250	
Video CCU monitoring (3 cameras) RND/9 528	$ 4,345	
Test charts & test modules	$ 1,560	
Camera cable, 503 per camera plus 1.66 per foot	$ 1,500	$239,293.00

2. Audio Equipment At The Capitol

Mixer Dynamote 70	$ 800	
Mics (2) RE-11	$ 180	
Audimax III	$ 665	
Tape Recorders (2) AG440B ($2,449 each)	$ 4,898	
Audio monitoring	$ 75	$ 6,618.00

3. Terminal & Switching Equipment At The Capitol

Sync Generators—Dual Generators, Changeovers, Bar Dot Generator 950/955 951 952	$ 3,885	
Color Bar Generator TS-13-3	$ 2,115	
Switcher 1400-12/908 937	$ 7,330	
Proc Amp (with equalizer) 940/w/950 903N	$ 2,270	
Video monitoring RHA-19 RVC-17 RM-529 R520A	$ 7,630	
Equipment Racks FR-1284 WM-506 SP-128A FR-62A-25	$ 700	
Cable	$ 1,000	$ 24,930.00

NOTE: Capital equipment costs do not include the costs of permanent lighting for the Legislative Chamber mentioned on Page 75. These costs were earlier estimated to be $55,000.

4. Equipment At 1800 North 33rd

Proc Amp (with equalization) 940/2/950 903N	$ 2,270	
Audio D.G.	$ 100	
Vital Expansion—Routing Switcher Pulse System Machine Control Intercom	$50,000	
1200B w/editing	$105,300	
1200B w/editing	$ 95,080	
Cable	$ 2,000	$254,750.00

5. Installation

—80 man days at $50 per day	$ 4,000	
—Hardware & Miscellaneous	1,000	$ 5,000.00
GRAND TOTAL		$530,591.00

APPENDIX C

Estimated Annual Operating Costs

ITEM		
1. Personnel		
1 Producer	$10,000	
1 Director	7,000	
1 Assistant Director	5,500	
1 Engr. Supervisor/video engr.	10,000	
1 Recording engineer	9,000	
4 Cameraman (3 plus 1 relief)	26,000	$67,500
	benefits	7,999

2. Engineering Tubes & Parts		
camera tubes	$ 6,600	
video heads	3,304	
misc. parts	500	$10,404
3. Tape Stock		
20 one hour videotapes at $170	$ 3,400	
20 half hour videotapes at $89	3,304	
50 audio tapes at $3	150	$ 5,330
4. Telco Line Charges		
First channel (Capitol to ETV) $182.50 per month X 12 months	$ 2,190	
Second channel (ETV to Capitol) $80 per month X 12 months	960	
Order wire $10 X 12 months	120	$ 3,270
ANNUAL OPERATING COSTS		$94,503

January 5, 1973

Honorable Richard Proud
Speaker 83rd Nebraska Legislature
State Capitol
1445 "K" Street
Lincoln, Nebraska 68509

Dear Senator Proud:

In compliance with the Legislative motion as adopted by the Legislature on December 5, 1972, the Nebraska ETV Network is prepared to be at the Legislature each day it is in session, and fully cover the daily proceedings beginning Monday, January 8, 1973 (see attached letter).

At present we cover two Legislative days per week, and this results in a one-hour special Unicameral program seen each Sunday night on the Network. The new proposed daily coverage will result in a thirty-minute program presented each night over the Network facilities, and will replace the Sunday night review. Further, we are directed to provide each of the 54 radio stations in Nebraska with the audio portion of this coverage on a daily basis, and each of the nine commercial television stations with video-tape copies of our coverage on a daily basis.

Our purpose and goal is to serve the people of Nebraska, and to carry out the wishes of the Legislature to the best of our abilities.

To meet these increased demands we are prepared to employ all existing resources we have at our disposal, however, the complexities and significant amount of work involved necessitates certain additional expenses not covered in our current ETV budget.

This is to inform you that we stand ready to comply with the wishes of the Legislature in this and all instances.

Cordially,

(Signed) Ron Hull
Program Manager
Nebraska ETV Network

RH/jw

cc:
Vincent D. Brown
Clerk of the Legislature

George C. Gerdes
Executive Director
Legislative Council

Honorable Terry Carpenter
Chairman, Executive Board of Legislative Council

Lt. Governor Frank Marsh
President of the Nebraska Unicameral

ATTORNEY GENERAL OPINION

January 5, 1973

Mr. Vincent D. Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Brown:

Your letter states that the Legislature has directed you to request an opinion with reference to a situation which arises when a new Legislature is organizing itself, and its first order of business is to adopt rules for its guidance, which step is followed by a formal swearing in ceremony for newly elected and appointed members. The question raised is whether those new members can properly vote for adoption of rules. The answer is that the new members may vote on the adoption of rules under the procedures which were followed.

Section 32-4,100, R.R.S. 1943, provides:

> "The county clerk or election commissioner, as the case may be, immediately following the completion of the canvass by the county canvassing board, shall transmit by mail, or otherwise, to

> the Secretary of State a copy of the abstract of votes cast for members of the Legislature, and the Secretary of State shall make out and deliver a certificate of election to the person having the highest number of votes in each district."

In 1955, the Legislature provided that the State Board of Canvassers should also canvass the vote of members of the Legislature, but the section quoted above was not amended. However, this is not of great significance, because as a practical matter the Secretary of State must wait until all of the information is available to the Board of Canvassers before he cann issue a certificate of election. The important consideration here is that the election process is completed as soon as that certificate of election is issued, and this takes place well before a new Legislature goes into session. There is no requirement that votes for members of the Legislature be canvassed by that body, such as in the case of executive state officers. (State ex rel. Caldwell v. Peterson, 153 Neb. 402, 45 N. W. 2d 122.)

The election process having been completed, the only further step to be taken is that, "members of the Legislature, before they enter upon their official duties shall take and subscribe to the following oath, ***." (Sec. 1, Article XV, Constitution of the State of Nebraska.) Each newly appointed member of the Legislature, and each newly-elected member did take and subscribe to the appropriate oath of office before the Secretary of State prior to the time that the Legislature went into session on January 2, 1973. They thereupon became entitled to claim that they were duly elected and qualified members of the Eighty-third Legislature of the State of Nebraska when it convened at 12:00 o'clock on January 2, 1973, and were qualified to vote on the rules which were adopted.

A better understanding of the basic considerations involved can be obtained by going back to the first session of our Legislature, when the law provided that at the time of the meeting "some person claiming to be elected a member shall call the house to which he belongs, to order, and the persons present claiming seats in that house as members shall elect a clerk for the time being." (R.S. 1866, Chap. XXXI.) The next statutory step was to "make a roll of the members who thus appear to be elected," and thereafter a committee of five was selected to "examine and report upon the credentials of those claiming to be elected members of their respective houses, and when such report is made, those reported as elected shall proceed to the permanent organization of their respective houses." Those laws still remain on the books, substantially unchanged. (Sec's. 50-101 & 50-102, R.R.S.)

In going back through a number of the old Legislative Journals, it appears that the practice usually followed was to first elect a temporary clerk, who checked the credentials of those claiming to be elected and call the roll, after which someone moved to adopt temporary rules and perhaps to elect some other temporary officers. The committee on credentials was then appointed, and when their report was accepted, the formal swearing in ceremony took place, and the announcement was made that the Legislature was organized and ready for the transaction of business. Permanent officers were then chosen and the regular business of the Legislature went forward.

It was thought that helpful information might be obtained from the first session of our Unicameral Legislature since they were all newly elected, but they apparently overlooked the matter of adopting any rules either before or after the formal swearing in ceremony. In later sessions the matter was handled by early adoption of this motion: "I move that we adopt the rules of the last session until the further order of the Legislature."

The formal swearing in ceremony which follows temporary organization is simply a formal recognition of membership which flows from the constitutional mandate that the Legislature shall "be the judge of the election, returns, and qualifications of its members." It has no bearing on the right of those lawfully claiming to be newly-elected members to vote on matters which have preceded that ceremony. If it were otherwise, then completely new legislatures could never get organized because of the lack of the constitutionally required quorum.

Very truly yours,

(Signed) Clarence A. H. Meyer
Attorney General

CAHM:smh

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 302, passed in the 1965 session of the Legislature, the attached is a list of all lobbyists who have registered as of January 5, 1973. Further lists will be submitted on the last legislative day of each calendar week, listing additional lobbyists who have registered during that week, until all registrations are completed.

(Signed) Vincent D. Brown
Clerk of the Legislature

As of January 5, 1973

Ackerman, James N. - Lincoln, Bankers Life Insurance Co. of Nebr.
Allan, Marilyn J. - Lincoln, The Sperry and Hutchinson Company
Andersen, Edward - Waterloo, Nebraska State Grange
Anderson, Kent - Lincoln, Nebraska Cooperative Council

Anderson, Robert L. - Lincoln, Nebraska Rural Electric Association

Bahensky, LeRoy - Lincoln, Loup River Public Power District

Bailey, William J. Jr. - Lincoln, Nebraska Game and Parks Commission

Barry, LeRoy F. - Omaha, Midwest Retail Farm Equipment Association

Beam, C. Arlen - Lincoln, Nebraska Pest Control Association; Nebraska State Bar Association; Nebraska State Home Builders Association

Berck, Elton L. - Lincoln, Farmers Union of Nebraska, Inc.

Blume, David A. - Lincoln, Capitol Association for Retarded Children, Inc.

Botsch, Barbara A. - Omaha, Omaha Chamber of Commerce

Brakenhoff, Loren - Lincoln, Nebraska Council of School Administrators

Brandt, William B. - Unadilla, Nebraska Bankers Association, Inc.

Brennan, William E. - Omaha, Nebraska State AFL-CIO

Brockley, Wm. T. - Nebraska City, Nebraska City Utilities

Campbell, Dr. Anne - Lincoln, University of Nebraska

Chace, Charles E. - Lincoln, Nebraska Petroleum Council

Chambers, David L. - Lincoln, League of Nebraska Municipalities

Collins, Richard E. - Omaha, Pro-Law Association of Nebraska

Cowgill, Dr. Bruce - Columbus, Educational Service Unit No. 7

Critchfield, James - Lincoln, Nebraska Chapter Associated General Contractors of America

Cromer, Dr. Chalmers A. - Lincoln, State Advisory Council for Vocational Education

Crosier, Donald A. - Lincoln, Nebraska Petroleum Council

Crowl, Ralph E. - Omaha, Nebraska State Council of Electrical Workers

Denney, Max A. - Lincoln, Nebraska Mobile Housing Institute

Dirrim, Delbert E. - Omaha, Omaha Public Power District

Douce, Wayne R. - Omaha, Guarantee Mutual Life Company

Drake, George F. - Lincoln, Nebraska Civil Defense Directors Association

Eide, Robert A. - Omaha, Northern Natural Gas Company

Elm, Howard W. - Lincoln, Association Services, Inc.

Elrod, Don - Grand Island, American Federation of State County & Municipal Employees

Feistner, Ely, C. - Lincoln, Lincoln Education Association

Ferguson, Donald L. - Lincoln, School District of the City of Lincoln, Nebraska

Finigan, Edwin J. - Lincoln, Nebraska Telephone Association

Foley, John W. - Lincoln, Nebraska Association for Retarded Children

Garey, Robert W. - Hastings, Nebraska Optometric Association; Nebraska Veterinary Medical Association, Nebraska Funeral Directors Association

Goodding, Richard D. - Lincoln, Nebraska Farm Bureau Federation

Gottschalk, Frederic A. - Lincoln, Superior Equity Corporation
Graham, M. J. - Lincoln, Retail Merchants Association of Nebraska
Greene, William R. - Omaha, Northern Natural Gas Company
Gyger, Bernard R. - Omaha, Omaha Board of Education
Haessler, John - Lincoln, Woodmen Accident and Life Company
Hardesty, Yvonne - Lincoln, Lancaster County Democratic Party
Harm, Paul F. - Norfolk, City of Norfolk
Harris, Robert E. - Hastings, Kansas-Nebraska Natural Gas Co., Inc. and its subsidiaries
Heald, Harlan M. - Lincoln, Nebraska Hospital Association
Henningsen, Ron - Omaha, Nebraska Press Association
Hoeger, Mark - Lincoln, A.S.U.N. Legislative Liaison Committee
Hopkins, Julian H. - Lincoln, Bankers Life Insurance Company of Nebraska
Huff, Charles P. - Lincoln, Nebraska Consumer Credit Association
Humpal, John E. - Omaha, Nebraska Blue Cross & Blue Shield
Huston, Robert E. - Lincoln, Lancaster County
Jacobsen, Ford K. - Omaha, Metropolitan Utilities District
Jensen, Martin - Omaha, Legislative Committee; Brotherhood of Railway & Airline Clerks
Jensen, Maynard W. - Aurora, Nebraska Wool Growers
Johnson, Forrest A. - Lincoln, Nebraska Tax Research Council, Inc.
Kenny, Philip T. - Omaha, Nebraska Railroad Association
Klinker, John - Lincoln, Nebraska Farm Bureau Federation
Kruger, E. C. - Fairbury, Nebraska Consumer Credit Association
Langley, Edwin A. - Lincoln, Association of Nebraska Trust Departments
Livingston, Vern - Nebraska City, Nebraska City Utilities
Long, Donald P. - Holdrege, The Central Nebraska Public Power & Irrigation District
Lowry, Bob - Cairo, Nebraska Veterans Council
Lynch, John E. - Lincoln, Nebraska State Education Association
MacDowell, L. J. - Lincoln, Nebraska State School Boards Association
Marti, Douglas - Lincoln, Nebraska Association of Public Employees
Mastny, Johnny F. - Schuyler, Nebraska Rural Letter Carriers Association
McCoy, Dale E. - Omaha, United Transportation Union
McDowell, Robert O. - Lincoln, Nebraska New Car Dealers Association
McEniry, Glenn J. - Lincoln, Nebraska Association of Commerce & Industry
McFeely, Richard L. - Grand Island, Mid-Nebraska Mental Health Center
Millard, Herb C. - Omaha, Mechanical Contractors Association of Omaha
Miller, Charles A. - Omaha, Omaha Public Power District
Miller, Edwin R. - Omaha, Nebraska Railroad Association

Mount, Stuart C. - Lincoln, Nebraska Hospital Association

Mundorf, Russell Z. - Lincoln, I.B.E.W.

Muscheites, B. F. - Lincoln, Nebraska Building Material Dealers Association

Neff, Kenneth - Lincoln, Nebraska Medical Association

Nelson, Ralph D. - Lincoln, City of Lincoln

Nelson, Richard - Lincoln, Republican State Central Committee

O'Hara, Paul V. - Lincoln, Nebraska Catholic Conference

Oltman, Ray - Lincoln, The American Legion Department of Nebraska

Osterberg, William H. - Omaha, Nebraska Bankers Association, Inc.

Payne, Dale L. - Papillion, Sarpy County Board of Commissioners

Plant, J. James - Lincoln, Nebraska Association of Students

Prall, Linville I. - Nebraska Association of Public Employees

Preston, James N. - Lincoln, Nebraska Motor Carriers' Association

Rader, Glenn P. - Lincoln, Nebraska Farm Bureau Federation

Rall, Frank - Lincoln, Nebraska Public Power District

Rasmussen, Delmar L. - Lincoln, League of Nebraska Municipalities

Rasmussen, Ross H. - Lincoln, Nebraska State School Boards Association

Reynolds, Florence B. - Omaha, Omaha Retired Teachers Association

Ruhnke, Arnold - Lincoln, Nebraska Association of County Officials

Ryan, James E. - Lincoln, Nebraska Motor Carriers' Association

Ryberg, Daniel W. - Lincoln, Nebraska County Attorneys' Association

Sayre, Charles D. - Lincoln, Nebraska Public Power District

Schlaphoff, Elmer C. - Waverly, Nebraska Stock Growers Association

Schellpeper, William L. - Lincoln, Nebraska Medical Association

Schmidt, Kenneth E. - Lincoln, Cooperative Service Company

Smith, Leo C. - Fairbury, Nebraska State Legislative Board, Brotherhood of Locomotive Engineers

Snodgrass, Del - Lincoln, Nebraska Association of Commerce & Industry

Stewart, E. Mickey - Alliance, Nebraska Stock Growers Association

Stuve, Gregory K. - Omaha, City of Omaha

Tews & Noren (David D. Tews and Charles F. Noren) - Lincoln, Friends of Higher Education

Thies, John C. - Omaha, Omaha Education Association

Watson, Gene D. - Lincoln, Nebraska Public Power District

Watters, George L. - Lincoln, Nebraska Petroleum Marketers, Inc.

Wells, L. M. - Lincoln, Northwestern Bell Telephone Company

White, Richard - Lincoln, Nebraska Democratic State Central Committee

Whitworth, Arthur A. - Lincoln, United States Brewers Association, Inc.

Wilkerson, Dick - Lincoln, Nebraska Rural Electric Association

Williams, Franklin J. - Omaha, Omaha Education Association

Wilson, Glenn R. - Lincoln, Republican State Central Committee

Wilson, William A. - Lincoln, The Midwest Life Insurance Company of Lincoln
Witthoff, Earl J. - Lincoln, United States Brewers Association, Inc.
Wruck, George T. - Omaha, Retail Merchants of Greater Omaha, Inc.
Wylie, William M. - Lincoln, Nebraska Insurance Information Service
Young, Harry D. - Beatrice, Norris Public Power District
Young, Lyle A. - Lincoln, Nebraska Press Association.

NOTICE OF COMMITTEE HEARINGS

Banking, Commerce and Insurance

LB	39	Monday, January 15, 1973	2:00 p.m.
LB	51	Monday, January 15, 1973	2:00 p.m.
LB	56	Monday, January 15, 1973	2:00 p.m.
LB	68	Tuesday, January 16, 1973	2:00 p.m.
LB	86	Tuesday, January 16, 1973	2:00 p.m.

(Signed) Fred W. Carstens, Chairman

Public Works

LB	11	Wednesday, January 17, 1973	2:00 p.m.
LB	47	Wednesday, January 17, 1973	2:00 p.m.
LB	45	Thursday, January 18, 1973	2:00 p.m.
LB	49	Thursday, January 18, 1973	2:00 p.m.
LB	54	Thursday, January 18, 1973	2:00 p.m.
LB	64	Friday, January 19, 1973	2:00 p.m.
LB	90	Friday, January 19, 1973	2:00 p.m.
LB	50	Wednesday, January 24, 1973	2:00 p.m.
LB	87	Wednesday, January 24, 1973	2:00 p.m.
LB	88	Wednesday, January 24, 1973	2:00 p.m.

(Signed) Maurice A. Kremer, Chairman

STANDING COMMITTEE REPORT

Rules Comittee

RULE 2, Sec. 12.

I move that there be no smoking in the Chamber while the Legislature is in session. Chamber shall consist of the entire floor of the legislative chamber including the space under the balcony on either side adjacent thereto and including balconies.

(Signed) Herbert J. Duis, Chairman

Mr. Burbach offered the following amendment to the above rule change:

I move to amend the rule change and add "all male members shall wear shirts and ties on the floor of the Legislature".

Mr. Carpenter moved to have the proposed rule change and the Burbach amendment be referred back to the Rules Committee. The motion prevailed with 27 ayes, 13 nays and 9 not voting.

MOTION – Rule Changes

Mr. Proud moved that the present rule concerning the introduction of guests be stricken and the following rule adopted:

No guests shall be introduced during legislative sessions except dignitaries and such dignitaries shall only be introduced upon express permission of the presiding officer; provided that the presiding officer can announce the presence of visiting groups or organizations at his discretion.

Referred to the Rules Committee.

Mr. Stahmer moved to amend Rule 5(d) as follows:

Change "total of ten (10) bills" to read "total of twelve (12) bills during the first year of a biennium and eight (8) bills during the second year".

Referred to the Rules Committee.

NOTICE OF COMMITTEE HEARINGS
Constitution Revision & Recreation

LB 85	Thursday, January 18, 1973	2:00 p.m.
LB 72	Thursday, January 25, 1973	2:00 p.m.
LB 104	Thursday, January 25, 1973	2:00 p.m.

(Signed) George Syas, Chairman

MOTION – Telecommunications Committee

Mr. Clark moved the Telecommunications Committee of the last Legislature be continued during the present Legislature for the purposes and objectives set forth in that Resolution (LR 9, 82nd Legislature, First Session).

Mr. Clark moved to suspend the rules to consider the motion at this time. The motion prevailed with 35 ayes, 0 nays and 14 not voting.

The Clark motion to continue the Telecommunications Committee prevailed with 38 ayes, 1 nay and 10 not voting.

MOTION – Suspend Rules

Mr. Stull moved to suspend the rules to consider his motion to continue the Committee on Higher Education. The motion prevailed with 35 ayes, 2 nays and 12 not voting.

Mr. Stull moved the Committee on Coordination of Higher Education set forth in LR 79, 82nd Legislature, Second Session, be continued during this session. The motion prevailed with 36 ayes, 2 nays and 11 not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 5.

Introduced by Terry Carpenter, 48th District.

WHEREAS, sporting guns, hunting, game management and conservation, sport and competitive shooting have been significant to development and recreation in Nebraska, and

WHEREAS, the National Rifle Association of America has interests compatible to and consistent with the interests of the majority of the residents of the great State of Nebraska, and

WHEREAS, the National Rifle Association of American proposes to acquire property and establish a facility to perpetuate, research and further develop the like interests of its Association and the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the 1973 session of the Legislature of the State of Nebraska that the National Rifle Association of America be encouraged to locate its National Center in Nebraska and furthermore that the Legislature of the State of Nebraska pledges whatever assistance possible to assist the National Rifle Association of America in locating and developing a site in Nebraska.

Mr. Carpenter moved to suspend the rules and consider LR 5. The motion prevailed with 33 ayes, 1 nay and 15 not voting.

LR 5 was adopted with 30 ayes, 0 nays and 19 not voting.

LEGISLATIVE RESOLUTION 6.

Introduced by Loran Schmit, 23rd District.

WHEREAS, the forms and guide lines for acquisition of information from owners and operators of point sources of pollutant discharge as proposed by the Federal Environmental Protection Agency and the accompanying permit system as published in the Federal Register of Tuesday, December 5, 1972 would impose unrealistic and impractical demands upon all classes of agricultural producers; and

WHEREAS, the proposed regulations call for an estimate of the amount and or degree of toxicity of run off or discharge of any pollutants resulting from the use of commerical fertilizers and pesticides under any condition of rainfall, such estimate to be made by any persons engaged in any type of agriculture and which calls for a value judgment impossible to arrive at without a scientific analysis; and

WHEREAS, the proposed regulations would demand a value judgment on the part of any agricultural producer concerning the amount of discharge of any agricultural waste into any surface waters from any ditch or channel per operating day from one gallon per day and upwards; and

WHEREAS, the proposed regulations would demand voluminous estimates from agricultural producers concerning the type and amount of product grown or produced each year and each season of the year.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE, FIRST SESSION:

1. That the proposed regulations together with the permit and reporting system proposed for Agricultural Producers and as published in the Federal Register of December 5, 1972 and as herein aforementioned be opposed in total and in specific detail.

Mr. Schmit moved to suspend the rules to have LR 6 referred to a Committee. The motion prevailed with 35 ayes, 0 nays and 14 not voting.

Referred to the Executive Board for referral.

LEGISLATIVE RESOLUTION 7.

Introduced by J. W. Burbach, 19th District; Walter H. Epke, 24th District; Calvin F. Carsten, 2nd District; Eugene T. Mahoney, 5th District.

WHEREAS, an interim study committee was appointed to study the problems of real estate assessment and equalization as a result of resolutions of both the First and Second Sessions of the Eighty-Second Legislature; and

WHEREAS, while much has been accomplished in this area, much work remains to be done.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Executive Board of the Legislative Council appoint a committee to continue the study of equalization and fairness in all areas of taxation.

2. That the provisions of Legislative Resolution 69, Eighty-Second Legislature, First Session, and of Legislative Resolution 4, Eighty-Second Legislature, Second Session, be continued in the next interim study period.

3. That such committee report its findings and recommendations to the next regular session of the Legislature.

Referred to the Executive Board.

ANNOUNCEMENTS

Mr. Whitney announced there would be a Committee on Committee meeting today at 1:45 p.m. in Room 2102 to select a third lay member of the Conflict of Interest Committee.

Mr. Carpenter announced there would be a meeting of the Executive Board at 4:00 p.m. today in the regular meeting room.

RESOLUTIONS

LEGISLATIVE RESOLUTION 3.

Mr. Kremer moved to suspend the rules to consider LR 3 at this time. The motion prevailed with 32 ayes, 0 nays and 17 not voting.

LR 3 was adopted with 33 ayes, 0 nays and 16 not voting.

MOTION—Suspend Rules

Mr. Keyes moved to suspend the rules to take up LR 2 and LR 4, in this order.

Mr. Keyes requested a Call of the House. The Call showed 44 members present.

Mr. Simpson moved the Call be raised. The motion prevailed with 35 ayes, 0 nays and 14 not voting.

The Keyes motion to suspend the rules lost with 26 ayes, 0 nays and 23 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 107. By F. Carstens, 30th District.

A BILL FOR AN ACT to amend section 2-3223, Reissue Revised Statutes of Nebraska, 1943, relating to wheat development; to provide that the books, records, and financial affairs of wheat development districts shall be audited by public accountants; and to repeal the original section.

LEGISLATIVE BILL 108. By F. Carstens, 30th District.

A BILL FOR AN ACT to amend section 60-335, Revised Statutes Supplement, 1972, relating to motor vehicles; to provide that motor vehicles used by natural resources district shall not pay a registration fee; and to repeal the original section.

LEGISLATIVE BILL 109. By F. Carstens, 30th District.

A BILL FOR AN ACT to make appropriations out of funds received by the state under Public Law 92-512; to provide for the drawing and payment of warrants; and to declare an emergency.

LEGISLATIVE BILL 110. By F. Carstens, 30th District.

A BILL FOR AN ACT to amend sections 24-802, 24-803, 24-807, 24-808, 24-809, 24-810, 24-811, and 48-152.01, Reissue Revised Statutes of Nebraska, 1943, relating to judicial nominating commissions; to provide for selection of new members of judicial nominating commissions as prescribed; to terminate present judicial nominating commissions; to provide political qualifications of members of judicial nominating commissions; to provide term of office; and to repeal the original sections, and also section 24-806, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 111. By Carpenter, 48th District.

A BILL FOR AN ACT to amend sections 53-123.04, 53-124, and 53-160.08, Reissue Revised Statutes of Nebraska, 1943, and sections 53-125 and 53-168, Revised Statutes Supplement, 1972, relating to liquors; to harmonize provisions relating to bottle clubs; to provide a distinction between on and off sale retailers' licenses; to add to the classes of persons to whom no license shall be issued; to provide that no liquor shall be sold to persons within any motor vehicle; to change the no discount and wholesale pricing law; to repeal the original sections, and also sections 53-168.01 to 53-168.05, Revised Statutes Supplement, 1972.

LEGISLATIVE BILL 112. By Marsh, 29th District.

A BILL FOR AN ACT to amend section 20-122, Reissue Revised Statutes of Nebraska, 1943, relating to civil rights; to define unlawful discriminatory practices; to provide duties for the Equal Opportunity Commission; to provide complaint procedures; to provide penalties; and to repeal the original section, and also section 20-111, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 113. By Clark, 47th District.

A BILL FOR AN ACT to amend section 79-2626, Reivsed Statutes Supplement, 1972, relating to technical community colleges; to provide for budgets as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 114. By Executive Board: Carpenter, 48th District, Chairman.

A BILL FOR AN ACT to amend section 77-202.12, Revised Statutes Supplement, 1972, relating to homestead exemptions; to correct a faulty internal reference; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 115. By Marsh, 29th District.

A BILL FOR AN ACT to amend section 71-180, Reissue Revised Statutes of Nebraska, 1943, relating to the practice of chiropractic; to require two years of college credit before admission to a college of chiropractic; to change the instruction requirement for accreditation; and to repeal the original section.

LEGISLATIVE BILL 116. By Syas, 13th District.

A BILL FOR AN ACT relating to criminal procedure; to provide for use of interpreters as prescribed; to define terms; to provide procedure for appointment and compensation for interpreters in criminal proceedings; and to repeal section 33-142, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 117. By Appropriations Committee: Marvel, 33rd District, Chairman; Savage, 10th District; Whitney, 44th District; Simpson, 46th District; Johnson, 15th District; Nore, 22nd District; Clark, 47th District.

A BILL FOR AN ACT to amend section 81-8,275, Revised Statutes Supplement, 1972, relating to administrative departments; to establish a cash fund for the Nebraska American Revolution Bicentennial Commission; and to repeal the original section.

LEGISLATIVE BILL 118. By Appropriations Committee: Marvel, 33rd District, Chairman; Clark, 47th District; Nore, 22nd District; Johnson, 15th District; Whitney, 44th District; Simpson, 46th District; Savage, 10th District.

A BILL FOR AN ACT relating to the State Athletic Commissioner; to create a cash fund; to prescribe its name and purpose; and to provide for deposits.

LEGISLATIVE BILL 119. By Appropriations Committee: Marvel, 33rd District, Chairman; Clark, 47th District; Nore, 22nd District; Johnson, 15th District; Whitney, 44th District; Simpson, 46th District; Savage, 10th District.

A BILL FOR AN ACT relating to oil and gas conservation; to create a trust fund; to prescribe its name; to provide for disbursements; and to declare an emergency.

LEGISLATIVE BILL 120. By Appropriations Committee: Marvel, 33rd District, Chairman; Savage, 10th District; Simpson, 46th District; Whitney, 44th District; Johnson, 15th District; Clark, 47th District; Nore, 22nd District.

A BILL FOR AN ACT to amend section 81-528, Reissue Revised Statutes of Nebraska, 1943, relating to the State Fire Marshal Act; to provide that sums received from inspection contracts be paid to the State Fire Marshal Fund; and to repeal the original section.

LEGISLATIVE BILL 121. By Appropriations Committee: Marvel, 33rd District, Chairman; Clark, 47th District; Nore, 22nd District; Johnson, 15th District; Whitney, 44th District; Simpson, 46th District; Savage, 10th District.

A BILL FOR AN ACT to amend section 82-308, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Arts Council; to change the financial procedures of the council; to create a trust fund; to prescribe its name; to provide for disbursements; and to repeal the original section.

LEGISLATIVE BILL 122. By Appropriations Committee: Marvel, 33rd District, Chairman; Savage, 10th District; Simpson, 46th District; Whitney, 44th District; Nore, 22nd District; Clark, 47th District; Stahmer, 8th District.

A BILL FOR AN ACT to establish the Revenue Sharing Trust Fund as prescribed; and to declare an emergency.

LEGISLATIVE BILL 123. By Appropriations Committee: Marvel, 33rd District, Chairman; Clark, 47th District; Nore, 22nd District; Johnson, 15th District; Whitney, 44th District; Simpson, 46th District; Savage, 10th District.

A BILL FOR AN ACT relating to revenue; to require reports by the Tax Commissioner as prescribed.

LEGISLATIVE BILL 124. By Appropriations Committee: Marvel, 33rd District, Chairman; Simpson, 46th District; Savage, 10th District; Whitney, 44th District; Johnson, 15th District; Nore, 22nd District; Clark, 47th District.

A BILL FOR AN ACT to amend section 28-4,133.01, Revised Statutes Supplement, 1972, relating to state officers; to change the name of the Drug Control Cash Fund to Nebraska State Patrol Drug Control Cash Fund; and to repeal the original section.

LEGISLATIVE BILL 125. By Judiciary Committee: Luedtke, 28th District, Chairman.

A BILL FOR AN ACT relating to criminal procedure; to state policy; to provide for handling of employment applications of persons with criminal convictions; and to provide penalties.

LEGISLATIVE BILL 126. By Judiciary Committee: Luedtke, 28th District, Chairman.

A BILL FOR AN ACT to amend sections 29-2209 and 29-2252, Revised Statutes Supplement, 1972, relating to probation officers; to allow appointment of ex-offenders; to provide qualifications; and to repeal the original sections.

LEGISLATIVE BILL 127. By Judiciary Committee: Luedtke, 28th District, Chairman.

A BILL FOR AN ACT relating to the Division of Alcoholism; to define terms; to abolish the crime of public intoxication; to create the Nebraska Council on alcoholism; to provide duties for the council and the division; to provide for membership of the council; to establish a program for the treatment and rehabilitation of intoxicated persons and alcoholics; and to establish emergency service patrols.

LEGISLATIVE BILL 128. By Stromer, 36th District.

A BILL FOR AN ACT to amend sections 60-404, 60-406, and 60-409, Reissue Revised Statutes of Nebraska, 1943, and sections 60-403.01 and 60-415, Revised Statutes Supplement, 1972, relating to motor vehicle operators' licenses; to require a color photograph of the licensee to be affixed to certain licenses as prescribed; to provide for temporary licenses; to provide for costs; to increase fees and change the distribution thereof; to provide for rules and regulations; to provide for an advisory committee; and to repeal the original sections.

LEGISLATIVE BILL 129. By Stromer, 36th District.

A BILL FOR AN ACT to amend section 23-1206.01, Reissue Revised Statutes of Nebraska, 1943, and sections 23-1114.04 and 23-1114.05, Revised Statutes Supplement, 1972, relating to county officers; to provide for a full-time county attorney in certain counties as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 130. By Stromer, 36th District.

A BILL FOR AN ACT to amend sections 85-302 and 85-303, Reissue Revised Statutes of Nebraska, 1943, relating to the Board of Trustees of the Nebraska State Colleges; to redesignate the secretary as the general administrative officer; to delete a requirement for location of the office; to eliminate a requirement for the keeping of vounchers; and to repeal the original sections.

LEGISLATIVE BILL 131. By Snyder, 14th District.

A BILL FOR AN ACT to repeal section 23-362, Reissue Revised Statutes of Nebraska, 1943, relating to the support of Indians.

LEGISLATIVE BILL 132. By Interim Tax Study Committee: Burbach, 19th District, Chairman.

A BILL FOR AN ACT to amend sections 77-629, 77-1241.09, 77-1250, and 77-1342, Reissue Revised Statutes of Nebraska, 1943, relating to taxation; to provide a collection fee for the Tax Commissioner and the disposition thereof; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 133. By Epke, 24th District.

A BILL FOR AN ACT to repeal section 54-1167, Reissue Revised Statutes of Nebraska, 1943, relating to bonding of livestock auction market operators.

LEGISLATIVE BILL 134. By Administrative Rules and Regulations Committee: Duis, 39th District, Chairman.

A BILL FOR AN ACT to amend sections 84-902, 84-903, 84-905, 84-906, 84-907, and 84-909, Reissue Revised Statutes of Nebraska, 1943, and section 84-904, Revised Statutes Supplement, 1972, relating to administrative procedure; to provide for the establishment of the office and position of Revisor of Regulations, a Code of Nebraska Regulations, and a State Register as prescribed; to provide duties; and to repeal the original sections.

LEGISLATIVE BILL 135. By Administrative Rules and Regulations Committee: Duis, 39th District, Chairman.

A BILL FOR AN ACT to amend sections 39-2601 to 39-2606, 39-2608, 39-2609, and 39-2611, Revised Statutes Supplement, 1972, relating to highways; to redesignate junkyards as salvage yards and change a prohibition with respect thereto; and to repeal the original sections.

LEGISLATIVE BILL 136. By Maresh, 32nd District.

A BILL FOR AN ACT to amend section 19-3501, Reissue Revised Statues of Nebraska, 1943, relating to cities and villages, particular class; to provide that the governing body of a city or village may by appropriate ordinance or proper resolution establish a pension plan as specified; and to repeal the original section.

LEGISLATIVE BILL 137. By Warner, 25th District.

A BILL FOR AN ACT to amend sections 39-2115, 39-2119, and 39-2121, Revised Statutes Supplement, 1972, relating to counties and municipalities; to provide for placing funds due the county or municipality in escrow for failure to comply with requirements; to provide for the funds being paid the county or municipality as prescribed; to provide for loss of the funds to the county or municipality as prescribed; and to repeal the original sections.

NOTICE OF COMMITTEE HEARINGS

Revenue

LB 15	Monday, January 15, 1973	2:00 p.m.
LB 16	Monday, January 15, 1973	2:00 p.m.
LB 46	Monday, January 15, 1973	2:00 p.m.

(Signed) J. W. Burbach, Chairman

Public Health and Welfare

LB 101	Monday, January 15, 1973	2:00 p.m.

(Signed) Thomas C. Kennedy, Chairman

VISITORS

Mr. Simpson introduced 70 Fourth Grade Students from Belmont School, Lincoln and teachers Mesdames Haldorf, Etherton, McCurdy and Hanna.

ADJOURNMENT

At 11:51 a.m., on a motion by Mr. Nore, the Legislature adjourned until 9:00 a.m., Tuesday, January 9, 1973.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 9, 1973

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Marsh presiding.

PRAYER

Prayer was offered by the Chaplain.

> We know, our Father, that there is a time to speak and a time to keep silent. Help us to tell the one from the other. When we should speak, give us the courage of our convictions. When we should keep silent, restrain us from speaking, lest, in our desire to appear wise, we give ourselves away. Teach us the sacraments of silence, that we may use them to know ourselves, and, above all, to know thee, then shall we be wise. Through Jesus Christ our Lord. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Savage who was excused until 9:30.

CORRECTIONS FOR THE JOURNAL

Page 88, line 2, delete "Superior Equity Corporation" and insert "Retail Merchants Association of Nebraska."

Page 90, last line, insert "(Signed) Herbert J. Duis, Chairman".

Page 91, line 30, after "(LR 9)" insert "(82nd Legislature-First Session).

Page 92, line 9, after "(LR 79)" insert "(82nd Legislature-Second Session).

The Journal for the Fourth Day was approved as corrected.

ANNOUNCEMENT

The Clerk announced the Senators to turn in any keys to an office they aren't using.

UNANIMOUS CONSENT–Members Excused

Mr. Epke asked unanimous consent to be excused at 10:00 a.m. this morning. No objections. So ordered.

Mr. Burbach asked unanimous consent to be excused at 9:30 until noon today. No objections. So ordered.

REFERENCE COMMITTEE REPORT

107	Agriculture and Environment
108	Agriculture and Environment
109	Education
110	Judiciary
111	Miscellaneous Subjects
112	Labor
113	Education
114	Revenue
115	Public Health and Welfare
116	Judiciary
117	Miscellaneous Subjects
118	Miscellaneous Subjects
119	Miscellaneous Subjects
120	Miscellaneous Subjects
121	Miscellaneous Subjects
122	Appropriations
123	Revenue
124	Miscellaneous Subjects
125	Labor
126	Judiciary
127	Judiciary
128	Public Works
129	Judiciary
130	Education
131	Miscellaneous Subjects
132	Revenue
133	Agriculture
134	Miscellaneous Subjects
135	Public Works
136	Retirement Systems
137	Government, Military and Veterans' Affairs
LR 6	Agriculture and Environment
LR 7	Revenue

(Signed) Terry Carpenter, Chairman

STANDING COMMITTEE REPORT
Committee on Committees

January 8, 1973

Mr. President:

The Committee on Committees desires to report that it met on January 8, 1973, at 1:45 p.m. for the purpose of nominating members to the Conflict of Interest Committee.

The following lay person was nominated as a member of the Conflict of Interest Committee for a two year term:

Frank Scott

Committee Vote: For: Senators Barnett, Duis, Epke, Johnson, Nore, Snyder, Stahmer, Stromer, Stull, Whitney and Wiltse

Against: None

Absent and not voting: Senators Chambers and Luedtke

The following members were renominated for a two-year term:

Clarence A. H. Meyer Dr. Robert Palmer

Committee Vote: For: Senators Barnett, Chambers, Duis, Epke, Johnson, Luedtke, Nore, Snyder, Stahmer, Stromer, Stull, Whitney and Wiltse

Against: None

The action on the renominations was taken at the Committee on Committees meeting on January 2, 1973.

(Signed) Ramey C. Whitney, Chairman
Committee on Committees

Mr. Whitney moved the report be adopted. The motion prevailed with 34 ayes, 0 nays and 15 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 138. By Richendifer, 16th District.

A BILL FOR AN ACT to amend section 37-214.03, Revised Statutes Supplement, 1972, relating to game and fish; to provide for special hunting and fishing permits for disabled veterans; and to repeal the original section.

LEGISLATIVE BILL 139. By Stahmer, 8th District.

A BILL FOR AN ACT to amend sections 14-201, 14-204, 14-205, 14-206, 14-207, and 14-216, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the metropolitan class; to increase the number of city councilmen; to provide for the election of city councilmen at large; to provide election procedure; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 140. By Wiltse, 1st District.

A BILL FOR AN ACT to amend section 8-140, Reissue Revised Statutes of Nebraska, 1943, relating to banking; to provide that loans to active officers or employees may be made as prescribed; to clarify language; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 141. By Wiltse, 1st District.

A BILL FOR AN ACT to amend section 8-815, Reissue Revised Statutes of Nebraska, 1943, relating to banking; to provide that a personal loan shall include loans made for a period of up to one hundred twenty-one months; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 142. By Hasebroock, 18th District.

A BILL FOR AN ACT to amend section 8-821, Reissue Revised Statutes of Nebraska, 1943, relating to banking; to provide that personal loan charges shall include the cost of nonfiling insurance; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 143. By Hasebroock, 18th District.

A BILL FOR AN ACT to amend section 8-147, Reissue Revised Statutes of Nebraska, 1943, relating to banking; to provide for an increase in the aggregate amount of the rediscounts and bills payable as prescribed; to provide for an increase in the amount of loans and investments as prescribed; to repeal the original section; and to declare an emergency.

MOTION—Suspend Rules

Mr. Carpenter moved to suspend the rules and consider the bills on General File at this time. The motion prevailed with 38 ayes, 0 nays and 11 not voting.

UNANIMOUS CONSENT—Member Excused

Mr. Nore asked unanimous consent to be excused at 9:20 for the remainder of the morning. No objections. So ordered.

UNANIMOUS CONSENT—(LR—4) Additional Signatures

Mr. Maresh asked unanimous consent to have it stated in the Journal that all members have signed LR 4. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 1. Title read. Considered.

Mr. Simpson offered the following amendments to LB 1:

1. Amend the bill by adding a new section 6 to read as follows:

"Sec. 6 That section 49-617, Revised Statutes Supplement, 1972, be amended to read as follows:

49-617. The Revisor of Statutes shall cause the statutes to be printed. The printer shall deliver all completed copies to the State Librarian. These copies shall be held and disposed of by such librarian as follows: Sixty copies to the Nebraska State Library to exchange for statutes of other states; five copies to the Nebraska State Library to keep for daily use; fifteen copies to the Nebraska Legislative Council for bill drafting and related services to the Legislature and executive state officers; not to exceed twenty copies to the Attorney General; eight copies to the Nebraska Publications Clearinghouse; six copies to the ~~State Railway~~ Public Service Commission; four copies to the Secretary of State; four copies to the Clerk of the Nebraska Legislature; two copies each to the Governor of the state, the Chief Justice and each Judge of the Supreme Court, the Clerk of the Supreme Court, the Reporter of the Supreme Court, the Auditor of Public Accounts, ~~the Nebraska State Historical Society,~~ and the Revisor of Statutes; one copy each to the Secretary of State of the United States, the library of the Supreme Court of the United States, each ~~newly~~ elected member of the Legislature or members appointed to fill a vacancy of the Legislature ~~and such copies as necessary to~~ a complete set of ~~previously~~ issued volumes ~~to elected members of the Legislature~~ each odd-numbered year, the Adjutant General, the Air National Guard, the Commissioner of Education, the State Treasurer, the Board of Educational Lands and Funds, the Director of Agriculture, the Director of Administrative Services, the Director of Aeronautics, the Department of Economic Development, the Commissioner of Labor, the Director of Health, the Director-State Engineer, the Director of Banking, the Director of Insurance, the Director of Motor Vehicles, the Director of Veterans' Affairs, the Director of

Water Resources, the Director of Public Welfare, the Director of Public Institutions, the Nebraska Emergency Operating Center, each judge of the Nebraska Workmen's Compensation Court, each judge of the Court of Industrial Relations, the Nebraska Liquor Control Commission, the Nebraska Natural Resources Commission, the State Real Estate Commission, the secretary of the Game and Parks Commission, the Board of Pardons, each state institution under the Department of Public Institutions, each state institution under the State Department of Education, the State Sheriff, the Tax Commissioner, the State Surveyor, the Nebraska State Patrol, Purchasing Agent, State Personnel Office, Nebraska Motor Vehicle Industry Licensing Board, Board of Trustees of the Nebraska State Colleges, each of the Nebraska State Colleges, each district judge of the State of Nebraska, each district county judge, each judge of a separate juvenile court, the Lieutenant Governor, each United States Senator from Nebraska, each United States Representative from Nebraska, each clerk of the district court for the use of the district court, each associate county judge, each county attorney, and each county law library of the State of Nebraska, each judge of the municipal court, and the inmate library at all state penal and correctional institutions; Provided, copies of the statutes distributed without charge, as above listed, shall be the property of the state or governmental subdivision of the state and not the personal property of the particular person receiving a copy. Distribution of statutes to the library of the College of Law of the University of Nebraska shall be as provided in sections 85-176 and 85-177.".

2. Renumber original sections 6 and 7 as sections 7 and 8, respectively.

3. In renumbered section 7, line 26 strike "section 49-706" and insert "sections 49-706 and 49-617" and in line 27 strike "is" and insert "are".

Mr. Barnett offered the following amendment to the Simpson amendment, which was adopted:

And 18 sets to be maintained on the desks in the Legislative Chambers.

Mr. Johnson offered the following amendment to the Barnett amendment:

Amend Barnett amendment to read 9 sets rather than 18.

The amendment lost with 19 ayes, 19 nays and 11 not voting.

Mr. Proud offered the following amendment to the Barnett amendment, which was adopted with 20 ayes, 14 nays and 15 not voting.

Amend the Barnett amendment to read 2 sets in Legislative Chambers under jurisdiction of the Sergeant at Arms.

The Simpson amendments, as amended, were adopted.

Advanced to E & R for Review with 37 ayes, 0 nays and 12 not voting

LEGISLATIVE BILL 2. Title read. Considered.

Advanced to E & R for Review with 34 ayes, 0 nays and 15 not voting.

LEGISLATIVE BILL 3. Title read. Considered.

Advanced to E & R for Review with 33 ayes, 0 nays and 16 not voting.

LEGISLATIVE BILL 4. Title read. Considered.

Advanced to E & R for Review with 36 ayes, 0 nays and 13 not voting.

LEGISLATIVE BILL 5. Laid over at request of Mr. Luedtke.

LEGISLATIVE BILL 6. Title read. Considered.

Mr. Luedtke offered the following amendments to LB 6 which were adopted:

1. Insert a new section to read as follows:

"Sec. 2. That section 29-611, Revised Statutes Supplement, 1972, be amended to read as follows:

29-611. The defendant shall have the right of appeal from any judgment of a county or municipal court, imposing fine or imprisonment, or both, to the district court of the county, which appeal shall be taken immediately upon the rendition of such judgment, and shall stay all further proceedings upon such judgment. No appeal shall be granted or proceedings stayed unless the appellant, together with his surety or sureties, shall, within ten days after the rendition of such judgment, appear before the ~~county~~ court, and then and there enter into a written recognizance to the people of the State of Nebraska in a sum not less than one hundred dollars, with surety or sureties to be fixed and approved by the court, conditioned for his appearance forthwith and without further notice, at the district court of such county, and from day to day thereafter until the final disposition of such appeal, to answer the complaint against him, and to abide the judgment of the district court and not depart therefrom without leave; Provided, that the party appealing may in lieu of such undertaking deposit with the clerk of such court a cash bond in a sum to be fixed by the court but not less than one hundred dollars; and such cash bond shall be accepted in the cause, upon the same conditions and with like effect as undertakings hereinbefore set out, such cash bond to be returned upon the fulfillment of the conditions of the bond. The court from whose judgment the appeal is taken shall forthwith make return of the proceedings had before it, and shall certify the complaint, transcript, bill of exceptions, and the warrant together with all such recognizances to the district court, and may also require the complainant and other witnesses to enter into written recognizances, with or without security, as the court deems best, to appear at the district court at the time aforesaid, and abide the order of the court; and in case of refusal to enter into such recognizances, may enforce the same by imprisonment if necessary."

2. Renumber original section 2 as section 3, and on page 2, line 13, strike "section 24-536" and insert "sections 24-536 and 29-611"; and on line 14, strike "is" and insert "are".
3. Add the emergency clause.

Advanced to E & R for Review with 41 ayes, 0 nays and 8 not voting.

LEGISLATIVE BILL 7. Laid over at request of Mr. Luedtke.

LEGISLATIVE BILL 79. Title read. Considered.

Advanced to E & R for Review with 36 ayes, 0 nays and 13 not voting.

LEGISLATIVE BILL 80. Title read. Considered.

Advanced to E & R for Review with 37 ayes, 0 nays and 12 not voting.

LEGISLATIVE BILL 81. Title read. Considered.

Mr. Carpenter offered the following amendment which was adopted:

LB 81, Section 1, Page 4, line 9 to read "Chairman of Committee on Agriculture and Environment" and line 14 to read "Chairman of Committee on Constitutional Revision and Recreation".

Advanced to E & R for Review with 40 ayes, 0 nays and 9 not voting.

LEGISLATIVE BILL 82. Title read. Considered.

Advanced to E & R for Review with 34 ayes, 0 nays and 15 not voting.

LEGISLATIVE BILL 83. Title read. Considered.

Mr. Carpenter offered the following amendment which was adopted:

Line 8 and 13, strike new matter "5" and insert "2".

Advanced to E & R for Review with 35 ayes, 0 nays and 14 not voting.

MOTION – Repeal Laws Study

Mr. Syas moved that the Judiciary Committee study the statutes pertaining to legislative laws governing this body with the view of introducing repeal bills of some laws on this subject are found to be unnecessary during this session.

Mr. Carpenter moved to amend the motion to strike "Judiciary Committee" and insert "Executive Board". The amendment was adopted.

The Syas motion, as amended, was adopted with 34 ayes, 0 nays and 15 not voting.

NOTICE OF COMMITTEE HEARING

Education Committee

LB 10	Monday, January 15, 1973	2:00 p.m.
LB 43	Monday, January 15, 1973	2:00 p.m.
LB 44	Monday, January 15, 1973	2:00 p.m.

LB 21	Monday, January 22, 1973	2:00 p.m.
LB 65	Monday, January 22, 1973	2:00 p.m.

(Signed) Jerome Warner, Chairman

Banking, Commerce and Insurance

LB 93	Tuesday, January 16, 1973	2:00 p.m.

(Signed) Fred W. Carstens, Chairman

Urban Affairs

LB 24	Wednesday, January 17, 1973	2:00 p.m.
LB 69	Wednesday, January 17, 1973	2:00 p.m.
LB 70	Wednesday, January 17, 1973	2:00 p.m.

(Signed) Duke Snyder, Chairman

Judiciary

LB 14	Tuesday, January 16, 1973	2:00 p.m.
LB 38	Tuesday, January 16, 1973	2:00 p.m.
LB 40	Tuesday, January 16, 1973	2:00 p.m.
LB 67	Tuesday, January 16, 1973	2:00 p.m.
LB 84	Tuesday, January 16, 1973	2:00 p.m.

LB 57	Wednesday, January 17, 1973	2:00 p.m.
LB 58	Wednesday, January 17, 1973	2:00 p.m.
LB 59	Wednesday, January 17, 1973	2:00 p.m.
LB 60	Wednesday, January 17, 1973	2:00 p.m.
LB 61	Wednesday, January 17, 1973	2:00 p.m.
LB 62	Wednesday, January 17, 1973	2:00 p.m.

(Signed) Roland A. Luedtke, Chairman

NOTICE OF CANCELLATION AND NOTICE OF HEARING

Banking, Commerce and Insurance

Request that hearings scheduled for January 16, 1973, on LB 68 and LB 86 be cancelled; that hearings on LB 140, LB 141, LB 142, and LB 143 be held on January 16, 1973 at 2:00 p.m.

(Signed) Fred W. Carstens, Chairman

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 144. By Barnett, 26th District.

A BILL FOR AN ACT to amend sections 39-7,136 and 39-7,137, Revised Statutes Supplement, 1972, relating to the Grade Crossing Protection Fund; to restate the purpose and change expenditures of the fund; and to repeal the original sections.

LEGISLATIVE BILL 145. By Lewis, 38th District.

A BILL FOR AN ACT to amend sections 72-257 and 72-258.01, Reissue Revised Statutes of Nebraska, 1943, relating to school lands; to make sales permissive rather than mandatory; to change provisions respecting contiguous tracts; to provide for priorities; to provide for variable length leases; to provide for plats and dedications; and to repeal the original sections.

LEGISLATIVE BILL 146. By Chambers, 11th District.

A BILL FOR AN ACT relating to crimes and punishment; to abolish the death penalty; to amend sections 29-2301 and 29-2306, Reissue Revised Statutes of Nebraska, 1943, and sections 24-342, 28-401, and 28-417, Revised Statutes Supplement, 1972; and to repeal the original sections, and also sections 29-2306.01, 29-2306.02, 29-2306.03, 29-2307, 29-2501 to 29-2508, 29-2510, 29-2512 to 29-2515, 29-2517, and 29-2518, Reissue Revised Statutes of Nebraska, 1943, and sections 29-2509, 29-2511, and 29-2516, Revised Statutes Supplement, 1972.

LEGISLATIVE BILL 147. By Roads and Traffic Interim Study Committee: Barnett, 26th District, Chairman.

A BILL FOR AN ACT to amend section 60-434, Revised Statutes Supplement, 1972, relating to the state patrol; to provide for additional patrolmen each year for five consecutive years; to provide the effective date thereof; and to repeal the original section.

LEGISLATIVE BILL 148. By Stull, 49th District.

A BILL FOR AN ACT to amend section 79-403.02, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change the conditions for transferring territory to a Class I district; and to repeal the original section.

LEGISLATIVE BILL 149. By Kremer, 34th District; Stromer, 36th District.

A BILL FOR AN ACT to amend section 85-106, Revised Statutes Supplement, 1972, relating to the state universities; to provide for election of certain officials by the Board of Regents; to define the Nebraska Agricultural Center; and to repeal the original section.

LEGISLATIVE' BILL 150. By Cavanaugh, 9th District.

A BILL FOR AN ACT to amend section 48-115, Revised Statutes Supplement, 1972, relating to workmen's compensation; to provide for entitlement to benefits as prescribed; and to repeal the original section.

LEGISLATIVE BILL 151. By Cavanaugh, 9th District.

A BILL FOR AN ACT to amend sections 21=1770, 21-1773, 21-1783, 21-1784, 21-1785, and 21-1791, Reissue Revised Statutes of Nebraska, 1943, and sections 21-1786, 21-17,104, and 21-17,105, Revised Statutes Supplement, 1972, relating to credit unions; to provide for amendment of by-laws; to extend the powers of credit unions as prescribed; to change the qualifications of members of the board of directors; to provide for a supervisory committee and the appointment of members of such committee and terms of office; to change the duties of the board of directors as prescribed; to change the provisions for approval of loans of the credit committee; to change the duties and powers of the supervisory committee as specified; to provide for special reserves; to provide how dividends shall be determined; to provide for purchase of assets of other credit unions; to repeal the original sections, and also section 21-1792, Revised Statutes Supplement, 1972.

MOTION—Friday Adjournment

Speaker Proud moved that the body not meet on Friday, January 12, 1973. The motion prevailed with 29 ayes, 2 nays and 18 not voting.

UNANIMOUS CONSENT—Committee Meeting

Mr. Duis asked unanimous consent for the Rules Committee to meet in Executive Session at 3:30 p.m. today in the Legislative Council Hearing Room. No objections. So ordered.

LR 1–Additional Signatures

The following additional members have signed LR 1: Messrs. Syas, C. Carsten, Goodrich, Proud and Stull.

VISITORS

Mr. Epke introduced 29 Ninth Grade students and 3 teachers from Milford High School, Milford, Nebraska.

Mr. Luedtke introduced 25 Fifth Grade students from Clare McPhee School, Lincoln and teachers Mrs. Gilliland and Mr. Michael Wylie, student teacher.

ADJOURNMENT

At 10:31 a.m., on a motion by Speaker Proud, the Legislature adjourned until 10:00 a.m., Wednesday, January 10, 1972.

Vincent D. Brown
Clerk of the Legisalture

SIXTH DAY—JANUARY 10, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 10, 1973

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Marsh presiding.

PRAYER

Prayer was offered by the Chaplain.

> O God, our Father, as the battery is recharged without sound or motion, so wilt thou, in this moment of quiet, send thy spirit into the hearts and minds of each one here. With newness of life, with spiritual power, vision, and lively faith, enable them to meet all the demands which lie before them with glad anticipation, and then give them peace for the night. Through Jesus Christ our Lord. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Anderson, Luedtke, F. Lewis and Syas who were excused and Mr. Cavanaugh who was absent.

CORRECTIONS FOR THE JOURNAL

Page 85, line 10, correct spelling of "can"; lines 19 & 20 delete "available to the Board of Canvassers before he can issue a certificate of election.".
The Journal for the Fourth Day was approved as corrected.

Page 102, line 8, delete "9:30" and insert "9:00".
Page 107, last line, delete "24" and insert "34".
The Journal for the Fifth Day was approved as corrected.

NOTICE OF COMMITTEE HEARING
Rules

The Rules Committee will meet at 11:00 a.m. today to consider rules on introduction of bills and introduction of visitors.

(Signed) Herbert J. Duis, Chairman

Labor

LB 35	Wednesday, January 17, 1973	2:00 p.m.
LB 99	Wednesday, January 17, 1973	2:00 p.m.

(Signed) Richard Maresh, Chairman

Agriculture & Environment

LR 6	Thursday, January 18, 1973	2:00 p.m.

(Signed) Loran Schmit, Chairman

Revenue

LB 42	Tuesday, January 16, 1973	2:00 p.m.
LB 123	Tuesday, January 16, 1973	2:00 p.m.
LB 18	Wednesday, January 24, 1973	2:00 p.m.
LB 19	Wednesday, January 24, 1973	2:00 p.m.
LB 132	Wednesday, January 24, 1973	2:00 p.m.

(Signed) J. W. Burbach, Chairman

Public Works

LB 128	Wednesday, January 17, 1973	2:00 p.m.
LB 135	Thursday, January 25, 1973	2:00 p.m.

(Signed) Maurice A. Kremer, Chairman

RESOLUTIONS

LEGISLATIVE RESOLUTION 8.

Introduced by Richard Maresh, 32nd District.

WHEREAS, United States Congressmen are presently elected for two-year terms; and

WHEREAS, such terms cause Congressmen to devote much time to campaigning; and

WHEREAS, such emphasis does not allow sufficient time to acquire knowledge of the legislative process; and

WHEREAS, reduction in the number of elections would result in a tax savings; and

WHEREAS, a longer term would attract better qualified people because of greater future political possibilities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

That the Legislature recommends to the Congress of the United States that an amendment to the United States Constitution be drafted to provide that United States Congressmen shall be elected for a term of four years.

Referred to Reference Committee for referral.

LEGISLATIVE RESOLUTION 9.

Introduced by Richard F. Proud, 12th District; William H. Hasebroock, 18th District; Irving F. Wiltse, 1st District.

WHEREAS, the 92nd Congress of the United States of America at its second Session, in both Houses, by a Constitutional majority of two-thirds thereof, adopted the following proposition to amend the Constitution of the United States of America in the following words, to wit:

JOINT RESOLUTION

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-third of each House concurring therein), that the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress;

ARTICLE

"Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

"Sec. 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

"Sec. 3. This amendment shall take effect two years after the date of ratification, and

WHEREAS, the Eighty-second Legislature, Second Session of the Legislature of Nebraska approved Legislative Resolution 83.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION;

1. That such proposed amendment to the Constitution of the United States be and the same hereby is withdrawn.

2. That copies of this resolution duly certified by the Secretary of State with the Great Seal of Nebraska attached thereto be forwarded by the Secretary of State to the Administrator of General Services, Washington, D. C., and to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States.

Referred to the Reference Committee for referral.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 152. By Whitney, 44th District.

A BILL FOR AN ACT to amend sections 39-722.01 and 60-328, Revised Statutes Supplement, 1972, relating to special truck permits; to provide a new basis for overweight permits; to provide fees; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 153. By Carstens, 30th District.

A BILL FOR AN ACT relating to insurance; to provide for insurance benefits to victims of automobile accidents without regard to fault; to provide for rights of recovery of damages in tort as prescribed; and to restrict subrogation of claims as prescribed.

LEGISLATIVE BILL 154. By R. Lewis, 38th District.

A BILL FOR AN ACT relating to taxation; to provide a retirement income credit against the individual income tax as prescribed.

LEGISLATIVE BILL 155. By Luedtke, 28th District.

A BILL FOR AN ACT relating to intoxicating liquor; to prohibit discrimination in liquor sales to licensed wholesale distributors; to prohibit discrimination in prices of liquor sales to wholesale distributors; and to provide penalties.

LEGISLATIVE BILL 156. By Luedtke, 28th District.

A BILL FOR AN ACT to appropriate two million four hundred thousand dollars from the University of Nebraska at Lincoln Field House Fund, Agency No. 51-1, Program 904, for each fiscal year ending June 30, 1974, 1975, 1976, 1977, and 1978, respectively; and to declare an emergency.

LEGISLATIVE BILL 157. By Luedtke, 28th District.

A BILL FOR AN ACT to amend sections 21-2002, 21-20,107, 21-20,113, 21-2216, and 21-2217, Revised Statutes Supplement, 1972, relating to corporations; to redefine a term; to change requirements; to delete exceptions; to provide for suspensions; to repeal the original sections, and also Chapter 21, article 18, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 158. By Luedtke, 28th District.

A BILL FOR AN ACT to amend section 8-410, Reissue Revised Statutes of Nebraska, 1943, relating to industrial loan and investment companies; to classify certificates of indebtedness; to provide the terms thereof; to provide for payments; and to repeal the original section.

LEGISLATIVE BILL 159. By Moylan, 6th District.

A BILL FOR AN ACT to amend sections 43-504 and 43-514, Revised Statutes Supplement, 1972, relating to infants; to redefine dependent child; to change the manner in which legal settlement is determined; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 160. By Carpenter, 48th District.

A BILL FOR AN ACT to amend sections 39-1501 and 39-1508, Reissue Revised Statutes of Nebraska, 1943, relating to highways and bridges; to provide for maintenance and construction of roads in unincorporated communities by the county board and county highway superintendent; and to repeal the original sections.

LEGISLATIVE BILL 161. By Interim Committee on Insurance: Waldron, 42nd District, Chairman.

A BILL FOR AN ACT relating to insurance; to prescribe that motor vehicle liability policies providing insurance on motor vehicles registered in this state contain certain no fault basic economic loss coverages as defined; to provide that no fault supplemental catastrophic economic loss coverage, as defined, be made available; to provide for subrogation and arbitration as specified; to establish standards governing damages in tort actions by persons suffering bodily injuries arising out of the use of motor vehicles insured under the provisions of this act; to provide for the regulation of contingent fees in actions for personal injury or wrongful death arising out of the operation of motor vehicles; to make it unlawful to present a fraudulent claim, as defined, for personal injury or property damage; to provide a severability clause; and to provide an operative date.

LEGISLATIVE BILL 162. By Waldron, 42nd District.

A BILL FOR AN ACT to amend section 24-339, Revised Statutes Supplement, 1972, relating to court reporters; to provide a salary increase; to provide salary benefits based on length of service; and to repeal the original section.

LEGISLATIVE BILL 163. By Kremer, 34th District; Rasmussen, 41st District; Stromer, 36th District.

A BILL FOR AN ACT authorizing and directing the Game and Parks Commission to convey certain real estate to the city of Kearney and Buffalo County, Nebraska; to convey certain real estate to the city of Grand Island and Hall County, Nebraska; to convey certain real estate to Custer County, Nebraska; to convey certain real estate to Merrick County, Nebraska; to prescribe conditions; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 164. By Carpenter, 48th District.

A BILL FOR AN ACT to amend sections 8-105, 8-110, 8-115.01, 8-116, 8-118, 8-119, 8-121, 8-124, 8-126, 8-140, 8-147, 8-148, 8-149, 8-157, 8-158, 8-169, 8-1,123, 8-601, 8-710, 8-816, 8-820, 8-821, 8-822, and 8-823, Reissue Revised Statutes of Nebraska, 1943, and sections 8-131, 8-141, 8-152, and 8-602, Revised Statutes Supplement, 1972, relating to banking; to revise, clarify, and modernize provisions; to adopt the One Bank Holding Company Act of 1973; and to repeal the original sections, and also section 8-1,114, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 165. By Carpenter, 48th District.

A BILL FOR AN ACT to amend sections 8-403.01, 8-403.02, 8-403.03, 8-405, 8-408, 8-408.01, 8-408.03, 8-410, 8-410.01, 8-411, 8-412, 8-413, 8-414, 8-415, 8-435, 8-439, and 8-440, Reissue Revised Statutes of Nebraska, 1943, and section 8-451, Revised Statutes Supplement, 1972, relating to industrial loan and investment companies; to revise, modernize, and rearrange provisions; to provide penalties; and to repeal the original sections.

LEGISLATIVE BILL 166. By Carpenter, 48th District.

A BILL FOR AN ACT to amend sections 21-1761, 21-1764, 21-1769, 21-1770, 21-1773, 21-1774, 21-1775, 21-1777, 21-1778, 21-1783, 21-1784, 21-1785, 21-1787, 21-1790, 21-1791, and 21-17,106, Reissue Revised Statutes of Nebraska, 1943, and sections 21-1786, 21-17,105, and 21-17,117, Revised Statutes Supplement, 1972, relating to credit unions; to revise and modernize provisions; and to repeal the original sections, and also section 21-1765, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 167. By Carpenter, 48th District.

A BILL FOR AN ACT to amend sections 8-1101, 8-1103, 8-1105, 8-1109, 8-1110, 8-1111, 8-1112, 8-1118, and 8-1120, Reissue Revised Statutes of Nebraska, 1943, relating to securities; to provide for the regulation of issuer-dealers; to increase fees; to change internal references; to eliminate exemptions; to eliminate a restriction on the use of a fund; and to repeal the original sections.

ANNOUNCEMENTS

Mr. Carpenter announced the Executive Board would meet at 1:30 p.m. today in the Legislative Council Hearing Room for the purpose of referring bills.

Mr. Marvel announced the Appropriations Committee would meet in Room 1003 immediately upon adjournment today.

GENERAL FILE

LEGISLATIVE BILL 5. Title read. Considered.

Mr. Goodrich offered the following amendment:

Amend Section 1, page 2, line 6, by striking the word "grooming" and adding "cosmetic or grooming". Amendment pending.

Bracketed at the request of Mr. Skarda until January 17.

LEGISLATIVE BILL 7. Title read. Considered.

Bracketed at the request of Mr. Duis until January 17.

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans' Affairs

LB 12	Thursday, January 18, 1973	2:00 p.m.
LB 29	Thursday, January 18, 1973	2:00 p.m.
LB 33	Thursday, January 18, 1973	2:00 p.m.
LB 13	Friday, January 19, 1973	2:00 p.m.
LB 22	Friday, January 19, 1973	2:00 p.m.
LB 23	Friday, January 19, 1973	2:00 p.m.
LB 31	Friday, January 19, 1973	2:00 p.m.

(Signed) Ernest Chambers, Chairman

ADJOURNMENT

At 10:36 a.m., on a motion by Speaker Proud, the Legislature adjourned until 10:00 a.m., Monday, January 15, 1973.

Vincent D. Brown
Clerk of the Legislature

SEVENTH DAY—JANUARY 15, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

SEVENTH-DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 15, 1973

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Marsh presiding.

PRAYER

Prayer was offered by Rev. E. L. Jeambey, Associate Pastor of Westminster Church.

> Our Father and Our God: We acknowledge Thee, as the Creator and Sustainer of the universe and the Saviour of mankind.
>
> We admit that in Thee we move and live and have our being, and without Thee we are nothing and can do nothing. Yet we are promised that with Thee, all things are possible.
>
> We confess our limitations and weaknesses in the administration of human affairs, and realizing our inadequacies, we know that without divine help we become unprofitable servants.
>
> Therefore we invoke Thy diving blessing to rest upon us as we proceed with our patriotic duties of the day.
>
> We need wisdom because the problems are complex; we need inspiration from above because of the pressures from below; we need great convictions because the forces of evil are endeavoring to run a world on low standards and low ideals.
>
> Be pleased to bless us and direct us in the deliberations and plans formulated this day, and we will ever be grateful, for we ask in the name of Jesus Christ our Lord, Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Fellman, Moylan, and Nore who were excused.

CORRECTIONS FOR THE JOURNAL

Page 119, line 19, delete "1-169" and insert "8-169".
The Journal for the Sixth Day was approved as corrected.

UNANIMOUS CONSENT–Member Excused

Mr. Nore asked unanimous consent to be excused Tuesday, January 16, 1973. No objections. So ordered.

MESSAGES FROM THE GOVERNOR

January 5, 1973

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment requiring legislative confirmation:

William E. Colwell, Hay Springs, Nebraska – to the Board of Trustees of Nebraska State Colleges – for a six-year term expiring January 1, 1979.

I respectfully submit this appointment for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

January 9, 1973

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment to the Educational Television Commission requiring legislative confirmation:

Dr. Brendan J. McDonald, President, Kearney State College, Kearney, Nebraska – to replace Dr. Francis J. Brown, Genoa, who has resigned – term expires January 9, 1975.

I respectfully submit this appointment for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

January 9, 1973

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment requiring legislative confirmation:

George W. Egermayer, 1417 Pine Road, Omaha, Nebraska 68144 to the Board of Trustees of Nebraska State Colleges – for a six-year term expiring January 1, 1979.

I respectfully submit this appointment for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

January 11, 1973

The Honorable State Senator Richard Proud
Speaker of the Legislature
State Capitol
Lincoln, Nebraska

Dear Senator Proud:

After reviewing my schedule and anticipating when the Budget recommendations of the Executive Committee could be presented to the

Legislature, I would like to request that, if possible, you arrange for my presentation to your honorable body on Friday morning, January 19, 11:00 a.m.

I hope that this will be a convenient time for you to work this into your busy schedule.

Sincerely,

(Signed) J. James Exon
Governor

JJE:sa
cc:Vince Brown

SPECIAL COMMITTEE REPORT
Legislative Council Executive Board

This is to advise you that the Legislative Council Executive Board at a recent meeting made the following decisions:

Moved to continue the Committee on Telecommunications and appointed the following members:
Senator Robert Clark, Chrm.
Senator Herb Duis
Senator Richard Marvel
Senator Duke Snyder
Senator William Skarda
Senator J. James Waldron
Senator Glenn Goodrich
Senator Jerome Warner

Moved to continue the Committee on Department Rules and Regulations, and appointed the following members:
Senator Herb Duis, Chrm.
Senator Wally Barnett, Jr.
Senator J. James Waldron
Senator Thomas Kennedy
Senator Glenn Goodrich
Senator William Hasebroock
Senator Richard Lewis

Appointed the following members to the Nebraska Education Commission of the States:
Senator William Hasebroock
Senator Gerald Stromer
Senator George Syas
Senator Jerome Warner

Respectfully submitted,

(Signed) Terry Carpenter, Chairman
Legislative Council Executive Board

TC:ss

COMMUNICATIONS

January 12, 1973

Mr. Vincent D. Brown
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. Brown:

In compliance with Sections 48-192 to 48-1,109, Revised Statutes Supplement, 1972, enclosed is a listing of all state workmen's compensation claims and judgments paid from July, 1972, to December, 1972.

This is the first time that workmen's compensation claims against the state have been centralized. The breakdown of payments is as follows:

Compensation		$ 92,656.32
Medical		37,144.55
Hospitalization		47,819.42
Ambulance		443.60
Nursing		122.50
Dental		1,383.00
Drugs & Medicine		1,288.32
Other		4,257.72
	Total	$175,115.43
1972-73 Appropriation		$191,000.00

Sincerely yours,

(Signed) Miss Betty Stukenholtz
Secretary
State Claims Board

Enclosure

January 10, 1973

Vincent D. Brown
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. Brown:

You have requested advice as to whether a state senator, maintaining a home away from home during the Legislative Session, may deduct an agreed upon sum as a per diem expense without further verifying every item of expense. It is noted that the senators receive no reimbursement for living expenses and receive reimbursement for mileage for only one round trip per session.

There is no provision in the Code for using a fixed sum for these expenses. Since the senators do not receive reimbursement for living expense while away from home they must maintain documentary evidence to support all expenditures for lodging, but the daily cost of their breakfast, lunch, dinner and other elements of such travel may be aggregated, if they are set forth for in reasonable categories (such as for meals, gasoline and oil, and cab fares).

The record keeping rules are set forth in the enclosed Publication 463.

The senators may use a standard mileage rate of 12 cents a mile for the first 15,000 miles of business automobile use and 9 cents a mile for each succeeding mile of business use.

Sincerely,

(Signed) Richard P. Vinal
District Director
Internal Revenue Service

Enclosure

REFERENCE COMMITTEE REPORT

LB	**Committee**
138	Constitutional Revision and Recreation
139	Urban Affairs
140	Banking, Commerce and Insurance
141	Banking, Commerce and Insurance
142	Banking, Commerce and Insurance
143	Banking, Commerce and Insurance
144	Public Works
145	Education
146	Judiciary
147	Public Works
148	Education
149	Miscellaneous Subjects
150	Labor
151	Banking, Commerce and Insurance
152	Public Works
153	Banking, Commerce and Insurance

154	Revenue
155	Miscellaneous Subjects
156	Appropriations
157	Judiciary
158	Banking, Commerce and Insurance
159	Judiciary
160	Public Works
161	Banking, Commerce and Insurance
162	Judiciary
163	Government, Military and Veteran's Affairs
164	Banking, Commerce and Insurance
165	Banking, Commerce and Insurance
166	Banking, Commerce and Insurance
167	Banking, Commerce and Insurance
LR 8	Government, Military and Veteran's Affairs
LR 9	Government, Military and Veteran's Affairs

(Signed) Terry Carpenter, Chairman
Executive Board

RULES COMMITTEE REPORT

(1) Amend Rule 2, Section 7(b) as follows:

"no member shall interrupt the business of the Legislature nor speak to another who has the floor, except when he may yield to a question. ~~No member shall rise to a question of privilege for the introduction of guests while a member is speaking. Visitors may be introduced only upon written notice to the presiding officer, who shall then recognize the introducer at a proper time. No member shall use profane or abusive language when speaking to or about another member.~~ No guest will be introduced during the legislative session except dignitaries and such dignitaries shall only be introduced by the presiding officer, provided that the presiding officer can announce the presence of visiting groups or organizations at his discretion. Those individuals and groups not introduced may be inserted in the journal by request. No member shall use profane or abusive language when speaking to or about another member."

(2) Amend the Rules as follows:

Amend Rule 4, delete Sections 9 and 10.

(3) Amend Rule 4, Section 5, page 20 as follows:

Add a new sentence after the end of present Section 5 as follows:

"Only those resolutions which have received at least 25 names shall be considered as adopted by the Legislature."

(Signed) Herb Duis, Chairman

NOTICE OF COMMITTEE HEARING
Banking, Commerce and Insurance

LB 68	Tuesday, January 23, 1973	2:00 p.m.
LB 86	Tuesday, January 23, 1973	2:00 p.m.

(Signed) Fred W. Carstens, Chairman

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 1. Placed on Select File as amended.
Enrollment and Review amendments to LB 1:

1. In lieu of the Simpson amendment 3, on page 3, line 26, strike "section" and insert "sections 49-617 and"; and in line 27, strike "is" and insert "are".

2. Renumber section 6 added by the Simpson amendment 1 as section 5 and renumber original section 5 as section 6.

3. In lieu of the Barnett amendment as amended by the Proud amendment, in new section 5, line 14, insert "for use in his office and two copies to be maintained in the legislative chamber under control of the sergeant at arms" after "Legislature".

4. In the title, line 2, insert "relating to the statutes;" after "ACT"; in line 6, strike "section" and insert "sections 49-617 and "; in line 7, insert "to change the distribution of statutes;" after the semicolon; and in line 9, strike "section" and insert "sections".

LEGISLATIVE BILL 2. Placed on Select File.

LEGISLATIVE BILL 3. Placed on Select File.

LEGISLATIVE BILL 4. Placed on Select File as amended.
Enrollment and Review amendment to LB 4.

1. On page 4, line 12, strike "magistrate or" and show as stricken.

LEGISLATIVE BILL 6. Placed on Select File as amended.
Enrollment and Review amendments to LB 6:

1. Add a new section to read:

"Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. In the title, line 2, strike "section 24-536" and insert "sections 24-536 and 29-611"; in line 5, strike "and" and insert "to delete an erroneous reference;"; in line 6, strike "section" and insert "sections"; and after "sections" in line 6, insert "; and to declare an emergency".

LEGISLATIVE BILL 79. Placed on Select File.

LEGISLATIVE BILL 80. Placed on Select File.

LEGISLATIVE BILL 81. Placed on Select File as amended.
Enrollment and Review amendment to LB 81:

1. In lieu of the Carpenter amendment on page 4, strike the new matter in line 9 and insert "and Environment"; and in line 14, insert "and Recreation" after "Revision".

LEGISLATIVE BILL 82. Placed on Select File.

LEGISLATIVE BILL 83. Placed on Select File.

(Signed) John J. Cavanaugh, III, Chairman

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 302, passed in the 1965 session of the Legislature, the attached is a list of all lobbyists who have registered as of January 12, 1973. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Vincent D. Brown
Clerk of the Legislature

Burleigh, Daniel C. – Lincoln, Republican State Central Committee
Carlin, B. L. – Omaha, Nebr. Chapter, National Electrical Contractors Association, Inc.
Cash, Virgil E. – Lincoln, Local Union 1536, I.B.E.W.
Dahlquist, Horton – Omaha, Nebraska State Association of Fire Fighters
Egner, Ruth – Lincoln, Lincoln Action Program, Inc.
Fraizer, T. J. – Lincoln, Mutual of Omaha Insurance Company
Frazier, Lawrence A. – Lincoln, Farmers Mutual of Nebraska
Cove, Charles F. – Denton, Nebraskans for Nebraska Soil & Water, Inc.
Heald, Arlie, F. – Lincoln, Nebraska State Council of Electrical Workers
Hein, Charles R. Omaha, University of Nebraska at Omaha

Johnston, Paul – Schuyler, Nebraska Livestock Feeders Association
Koch, Gerald D. – Ralston, Omaha Suburban Area Council of Schools
Kratz, Dean G. – Omaha, Nebraska League of Savings & Loan Associations
Leung, Yvonne Norton – Lincoln, National Women's Political Caucus
Lonnquist, R. Ladd – Omaha, Legal Aid Society of Omaha-Council Bluffs, Inc.
Matulka, Erwin – Valparaiso, Nebraskans for Nebraska Soil & Water, Inc.
Merwick, Michael L. – Lincoln, Nebraska State Association of Fire Fighters
Moore, Verne, Jr. – Omaha, School District 66, Douglas County
Moylan, James H. – Omaha, Nebraska Shorthand Reporters Association Douglas County, Omaha
Murphy, Lawrence E. – Lincoln, Nebraska Chiropractic Physicians Association, Inc.
Pierson, David C. – Lincoln, Insurance Federation of Nebraska
Skochdopole, R. A. Esq. – Omaha, Knights of Ak-Sar-Ben
Sutej, John M. – Omaha, Local Union 1974, I.B.E.W.
Tews & Noren (David D. Tews and Charles F. Noren) – Lincoln Lincoln Telephone & Telegraph Company; Nebraska Association of Insurance Agents; Nebraska Association of Technical Community Colleges; Nebraska Association of Trial Attorneys; Nebraska District Court Judges Association; Nebraska Investment Bankers Association; Nebraska Motorcycle Dealers Association; Nebraska Realtors Association; Nebraska Society of Certified Public Accountants; Nebraska State Association of Fire Fighters; Nebraska State Education Association; Nebraska State School Boards Association; Omaha Public Power District

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 168. By Whitney, 44th District.

A BILL FOR AN ACT to amend section 79-1254, Reissue Revised Statutes of Nebraska, 1943, relating to employment of teachers; to change the tenure requirements; and to repeal the original section.

LEGISLATIVE BILL 169. By Richendifer, 16th District.

A BILL FOR AN ACT to amend section 48-125, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Workmen's Compensation Court; to provide for attorneys' fees on rehearings; and to repeal the original section.

LEGISLATIVE BILL 170. By F. Carstens, 30th District.

A BILL FOR AN ACT to amend sections 2-1506.03 and 2-1506.06, Reissue Revised Statutes of Nebraska, 1943, relating to agriculture; to provide for implementation of flood controls by natural resource districts as prescribed; to provide additional procedure for flood plain establishment; and to repeal the original sections.

LEGISLATIVE BILL 171. By F. Lewis, 45th District.

A BILL FOR AN ACT to repeal sections 79-1343 and 79-1344.01, Reissue Revised Statutes of Nebraska, 1943, relating to schools.

LEGISLATIVE BILL 172. By F. Lewis, 45th District.

A BILL FOR AN ACT to appropriate fifty-five million dollars to the School Foundation and Equalization Fund from the General Fund; and to declare an emergency.

LEGISLATIVE BILL 173. By Maresh, 32nd District.

A BILL FOR AN ACT relating to public health; to require immunization of certain school children except as prescribed.

LEGISLATIVE BILL 174. By Stromer, 36th District.

A BILL FOR AN ACT to amend section 32-509, Reissue Revised Statutes of Nebraska, 1943, and section 32-511, Revised Statutes Supplement, 1972, relating to elections; to provide for a vote of the people to choose a candidate for Vice President of the United States; to provide duties; and to repeal the original sections, and also section 32-510, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 175. By Johnson, 15th District.

A BILL FOR AN ACT to amend section 81-263.66, Reissue Revised Statutes of Nebraska, 1943, relating to graded milk; to increase inspection fees paid by milk plants; to increase inspection fees remitted to political subdivisions by the Department of Agriculture for inspections performed by such political subdivisions; and to repeal the original section.

LEGISLATIVE BILL 176. By Keyes, 3rd District.

A BILL FOR AN ACT relating to motor vehicles; to provide free special license plates for paraplegics as prescribed.

LEGISLATIVE BILL 177. By Waldron, 42nd District.

A BILL FOR AN ACT relating to railroads; to require railroads to maintain their right-of-way so as to reduce safety hazards to employees as prescribed; to provide for enforcement; and to impose penalties.

LEGISLATIVE BILL 178. By Simpson, 46th District.

A BILL FOR AN ACT to amend section 2-1213, Reissue Revised Statutes of Nebraska, 1943, relating to horse racing; to require the holding of races limited to Nebraska-bred or registered horses; and to repeal the original section.

LEGISLATIVE BILL 179. By Carpenter, 48th District.

A BILL FOR AN ACT to provide for the acquisition and acceptance of either or both of the properties belonging to Hiram Scott College, Scottsbluff, Nebraska and John J. Pershing College, Inc., Beatrice, Nebraska by the Board of Regents of the University of Nebraska; to establish the purposes for such acquisition; and to declare an emergency.

LEGISLATIVE BILL 180. By Johnson, 15th District.

A BILL FOR AN ACT relating to the State Fire Marshal; to provide procedures for enforcement of orders.

LEGISLATIVE BILL 181. By Savage, 10th District.

A BILL FOR AN ACT to amend section 44-203, Revised Statutes Supplement, 1972, relating to insurance; to provide for transacting more than one kind of insurance by insurance companies; and to repeal the original section.

LEGISLATIVE BILL 182. By Epke, 24th District.

A BILL FOR AN ACT relating to swine; to provide for the eradication of brucellosis in swine as prescribed; to define terms; to provide for herd validation; to provide for testing; to provide for quarantine; to provide for identification; to provide for penalties; and to provide severability.

LEGISLATIVE BILL 183. By C. Carsten, 2nd District.

A BILL FOR AN ACT to amend section 84-1402, Revised Statutes Supplement, 1972, relating to public meetings; to provide conditions for giving notice of public meetings as prescribed; and to repeal the original section.

LEGISLATIVE BILL 184. By Chambers, 11th District.

A BILL FOR AN ACT to amend sections 48-152 and 48-153, Reissue Revised Statutes of Nebraska, 1943, and sections 48-106, 48-114, and 48-115, Revised Statutes Supplement, 1972, relating to workmen's compensation; to redefine terms; to change exemptions; to provide an additional judge for the court; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 185. By Chambers, 11th District.

A BILL FOR AN ACT to amend section 43-512, Revised Statutes Supplement, 1972, relating to assistance for certain children; to provide for the amount of assistance to be paid as prescribed; to provide a statement of purpose; and to repeal the original section.

LEGISLATIVE BILL 186. By Kremer, 34th District.

A BILL FOR AN ACT to amend sections 46-208, 46-210, 46-214, 46-223, 46-229.03, 46-229.04, 46-230, 46-254, and 46-277, Reissue Revised Statutes of Nebraska, 1943, and sections 46-241 and 46-257, Revised Statutes Supplement, 1972, relating to general provisions regulating irrigation; to increase the duties of the Director of Water Resources and his assistants; to eliminate highways from jurisdiction of appeals to the Supreme Court; to remove the provision for reports to the Governor; to provide for appointment for one or more water commissioners who shall serve without term; to provide for contents of notice of water appropriation; to remove verified reports by district superintendents; to eliminate the adjudication of the right to use irrigation water of a stream; to provide a penalty for storage or release of water from reservoir if not by order of Director of Water Resources; to provide for the removal of dams as prescribed; and to repeal the original section.

LEGISLATIVE BILL 187. By Kremer, 34th District.

A BILL FOR AN ACT relating to real property; to establish a uniform procedure to be used in acquiring private property for public purposes; to amend section 70-301, Revised Statutes Supplement, 1972; and to repeal the original section.

LEGISLATIVE BILL 188. By Kremer, 34th District.

A BILL FOR AN ACT to amend sections 2-1506.06 and 2-1547, Reissue Revised Statutes of Nebraska, 1943, relating to natural resource district; to abolish the Floodway Obstruction Removal Fund as prescribed; and to repeal the original sections and also section 2-1506.11, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 189. By Duis, 39th District.

A BILL FOR AN ACT to amend section 70-667, Reissue Revised Statutes of Nebraska, 1943, relating to public power; to provide additional authority to public power and public power and irrigation districts; and to repeal the original section.

UNANIMOUS CONSENT–Withdraw LB 21

Mr. Fr. Carstens asked unanimous consent to withdraw LB 21 and the hearing thereon canceled. Laid over.

MOTION–Attorney General Opinion

Mrs. Marsh moved that the Legislature request that Vincent Brown, Clerk of the Legislature, obtain an opinion from the Attorney General in reference to the legality of trying to rescind the 86th Resolution of 1972 which ratified a Federal Constitutional amendment.

The motion lost with 24 ayes, 17 nays and 8 not voting.

MOTION–Statutes to Press

Mr. Carpenter moved that the Clerk of the Legislature be directed to request of the State Supreme Court Library that they make available 5 sets of the following volumes of Nebraska Statutes for distribution to members of the press covering the 1973 Legislature: Volumes 4 and 5; Volume 6; and 1972 Supplement.

The motion prevailed with 30 ayes, 0 nays and 19 not voting.

MOTION–ETV Coverage

Speaker Proud moved that ETV Coverage of the Legislature be limited to two days per week.

Speaker Proud requested a Call of the House. The Call showed 46 members present.

Mr. Goodrich moved the Call be raised. The motion prevailed with 30 ayes, 8 nays and 11 not voting.

The Proud motion lost with 23 ayes, 19 nays and 7 not voting.

NOTICE OF COMMITTEE HEARINGS

Public Health and Welfare

LB 92	Monday, January 29, 1973	2:00 p.m.
LB 102	Monday, January 29, 1973	2:00 p.m.
LB 103	Monday, January 29, 1973	2:00 p.m.
LB 89	Tuesday, January 30, 1973	2:00 p.m.
LB 100	Tuesday, January 30, 1973	2:00 p.m.
LB 115	Tuesday, January 30, 1973	2:00 p.m.

(Signed) Thomas Kennedy, Chairman

Committee on Committees
January 15, 1973

The Committee on Committees will meet at 1:00 p.m., Tuesday, January 23, 1973, for the purpose of hearing appointments submitted by Governor J. James Exon as follows:

Herman A. Brockmeier – State Personnel Board
David Flebbe – State Personnel Board
Edward M. Rowley – Board of Parole

(Signed) Ramey C. Whitney, Chairman

UNANIMOUS CONSENT—Committee Meeting

Mr. Carpenter asked unanimous consent to have the Executive Board of the Legislative Council meet at 1:30 p.m. today. No objections. So ordered.

MOTION—State Senator Retirement

Mr. Syas moved that the Retirement Committee review the law pertaining to the retirement program of State Senators, with the possibility of bringing a court suit. The motion prevailed with 30 ayes, 0 nays and 19 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 190. By Kremer, 34th District.

A BILL FOR AN ACT to amend sections 79-2616, 79-2624, and 79-2631, Reissue Revised Statutes of Nebraska, 1943, and sections 79-2617, 79-2620, 79-2626, and 79-2627, Revised Statutes Supplement, 1972, relating to technical community colleges; to provide for the composition of state boards; to change provisions for election districts; to provide how funds shall be used; to provide for changes regarding budgets; to change agreements for services as prescribed; to provide that the area board may adopt a retirement plan; and to repeal the original sections.

LEGISLATIVE BILL 191. By Luedtke, 28th District.

A BILL FOR AN ACT to amend section 26-173.01, Revised Statutes Supplement, 1972, relating to municipal courts; to provide for expenses of employees of the State of Nebraska or of political subdivisions when called as a witness as prescribed; and to repeal the original section.

LEGISLATIVE BILL 192. By Luedtke, 28th District.

A BILL FOR AN ACT to amend section 48-182, Revised Statutes Supplement, 1972, relating to the Nebraska Workmen's Compensation Court; to harmonize with other legislation; and to repeal the original section.

NOTICE OF COMMITTEE HEARING
Revenue

LB 114 Monday, January 22, 1973 2:00 p.m.

(Signed) J. W. Burbach, Chairman

UNANIMOUS CONSENT—Committee Meeting

Mr. Duis asked unanimous consent for the Administrative Rules and Regulations Committee to meet at 9:30 a.m., Tuesday, January 16, 1973 in the Legislative Council Hearing Room. No objections. So ordered.

VISITORS

President Marsh introduced Mr. Manuel Sound, Deputy Director of Education from Micronesia. Mr. Sound was accompanied by Dr. Anne Campbell.

ADJOURNMENT

At 11:38 a.m., on a motion by Speaker Proud, the Legislature adjourned until 10:00 a.m., Tuesday, January 16, 1973.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 16, 1973

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Marsh presiding.

PRAYER

Prayer was offered by Rev. E. L. Jeambey.

> The first prayer in the Continental Congress on Sept. 7, 1774 was offered by the Chaplain of the day, Dr. Edward L. Jeambey, Asst. Minister of the Westminister Presbyterian Church. A copy of the picture in the Carpenters' Hall was shown, and the following preliminary remarks.
>
> "In Thatcher's Military Journal, under the date of December 1777, is found a note containing the identical "First Prayer in Congress", made by Rev. Jacob Duche, a gentleman of great eloquence."
>
> "O Lord Our Heavenly Father, High and Mighty King of Kings, who dost from thy throne behold all the dwellers on earth, and reignest with power supreme and uncontrolled over all kingdoms, empires and governments: Look down in mercy, we beseech thee, on these American States, who have fled to thee from the rod of the oppressor, and have thrown themselves on thy gracious protection, desiring to be henceforth dependent on Thee. They have appealed for the righteousness of their cause to Thee. They now look up for that countenance and support which thou alone canst give: take them therefore Heavenly Father, under thy nurturing care. Give them wisdom in council, and valor in the field: defeat the malicious designs of our cruel adversaries: Convince them of the unrighteousness of their cause: and if they still persist in their sanguinary purposes, O, let the voice of thine own unerring Justice, sounding in their hearts, constrain them to drop their weapons of war from their unnerved hands in the day of battle. Be thou present, O God of Wisdom, and direct the councils of this honorable assembly: enable them to settle things

on the best and surest foundation that the scene of blood may be speedily closed, that order, harmony and peace may be effectually restored: and truth and justice, religion and piety, prevail amongst thy people. Preserve the health of their bodies and the vigor of their minds; shower down on them and the millions they here represent, such temporal blessings as thou seest expedient for them in the world, and crown them with everlasting glory in the world to come. All this we ask in the Name and through the merits of Jesus Christ, Thy Son, Our Savior. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Proud and Nore who were excused.

CORRECTIONS FOR THE JOURNAL

Page 136, delete line 5.
The Journal for the Seventh Day was approved as corrected.

REFERENCE COMMITTEE REPORT

LB	Committee
168	Education
169	Judiciary
170	Public Works
171	Education
172	Education
173	Public Health and Welfare
174	Government, Military and Veterans' Affairs
175	Agriculture and Environment
176	Public Works
177	Public Works
178	Agriculture and Environment
179	Miscellaneous Subjects
180	Public Works
181	Banking, Commerce and Insurance
182	Agriculture and Environment
183	Government, Military and Veteran's Affairs
184	Judiciary
185	Public Health and Welfare
186	Public Works
187	Government, Military and Veteran's Affairs
188	Public Works
189	Public Works
190	Education

191	Judiciary
192	Judiciary

(Signed) Terry Carpenter, Chairman

NOTICE OF COMMITTEE HEARING
Miscellaneous Subjects

LB 25	Thursday, January 25, 1973	2:00 p.m.
LB 117	Thursday, January 25, 1973	2:00 p.m.
LB 118	Thursday, January 25, 1973	2:00 p.m.
LB 119	Thursday, January 25, 1973	2:00 p.m.
LB 120	Thursday, January 25, 1973	2:00 p.m.
LB 121	Thursday, January 25, 1973	2:00 p.m.
LB 124	Thursday, January 25, 1973	2:00 p.m.

(Signed) J. James Waldron, Chairman

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 193. By Syas, 13th District.

A BILL FOR AN ACT to amend section 48-123, Reissue Revised Statutes of Nebraska, 1943, and sections 48-121, 48-122, and 48-124, Revised Statutes Supplement, 1972, relating to workmen's compensation; to increase and change the method of determining benefits; to change beneficiary provisions; to provide for recomputation of benefits; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 194. By Syas, 13th District.

A BILL FOR AN ACT relating to the Environmental Protection Act; to provide that any incorporated city or village which regulates air pollution shall do so only within the limits of such city or village.

LEGISLATIVE BILL 195. By Syas, 13th District.

A BILL FOR AN ACT to amend section 81-1504, Revised Statutes Supplement, 1972, relating to the Environmental Protection Act; to provide for the submission of petitions by citizens as prescribed; and to repeal the original section.

LEGISLATIVE BILL 196. By Keyes, 3rd District.

A BILL FOR AN ACT relating to highways; to provide for footpaths and bicycle trails as prescribed; to define terms; to provide for allocation of funds; and to provide duties.

LEGISLATIVE BILL 197. By Syas, 13th District.

A BILL FOR AN ACT to amend section 79-4,154, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to extend the time of lease or lease-purchase agreements as prescribed; and to repeal the original section.

LEGISLATIVE BILL 198. By Cavanaugh, 9th District; Anderson, 37th District.

A BILL FOR AN ACT to amend section 32-216, Revised Statutes Supplement, 1972, relating to elections; to eliminate certain requirements which causes a voter to reregister; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 199. By the Committee on Administrative Rules and Regulations: Duis, Chairman, 39th District.

A BILL FOR AN ACT to amend section 81-502, Revised Statutes Supplement, 1972, relating to the State Fire Marshal; to delete references to the Life Safety Code; and to repeal the original section.

LEGISLATIVE BILL 200. By Stull, 49th District.

A BILL FOR AN ACT to establish a Fort Robinson Centennial Commission; to provide for the appointment, qualification and expenses of the members of the commission; to provide powers and duties of the commission; to provide an appropriation; and to declare an emergency.

LEGISLATIVE BILL 201. By Kime, 43rd District.

A BILL FOR AN ACT relating to the Department of Agriculture; to provide for the appointment of special investigators and their powers and duties; to provide an exception from the marking requirements of motor vehicles; to amend section 81-201, Reissue Revised Statutes of Nebraska, 1943, and section 60-1001, Revised Statutes Supplement, 1972; and to repeal the original sections.

LEGISLATIVE BILL 202. By Judiciary Committee: Luedtke, Chairman, 28th District.

A BILL FOR AN ACT relating to criminal procedure; to provide for annulment of criminal convictions; to provide restoration of civil rights to certain persons convicted of crimes; to provide for use of criminal records and sealing of such; and to provide penalties.

LEGISLATIVE BILL 203. By Executive Board: Carpenter, 48th District, Chairman.

A BILL FOR AN ACT to establish the Legislative Audit Review Committee as prescribed; and to declare an emergency.

UNANIMOUS CONSENT—Withdraw LB 21

Mr. F. Carstens renewed his pending request to withdraw LB 21 found in the Journal on page 135 for the Seventh Day. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 1. E & R amendments found in the Journal on page 129 for the Seventh day were adopted.

Mr. Carpenter offered the following amendment which was adopted by unanimous consent:

To amend LB 1, Sec. 6, line 8:

"Fifteen copies", not to exceed 25 copies, to the Nebraska Legislative Council

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 2. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 3. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 4. E & R amendments found in the Journal on page 129 for the Seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 6. E & R amendments found in the Journal on page 129 for the Seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 79. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 80. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 81. E & R amendments found in the Journal on page 130 for the Seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 82. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 83. Advanced to E & R for Engrossment.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 204. By Executive Board: Carpenter, 48th District, Chairman.

A BILL FOR AN ACT authorizing the Legislature or Executive Board of the Legislative Council to rent or contract for additional space and to hire or contract for additional personnel.

LEGISLATIVE BILL 205. By Executive Board: Carpenter, 48th District, Chairman.

A BILL FOR AN ACT relating to the Legislature; to provide for laws to stop the interference with the legislative process; to define terms; to provide for unlawful acts; to provide penalties; to provide for security officers and their duties as prescribed; to provide duties for the Attorney General and the Nebraska State Patrol; to provide for rules and regulations; to provide for injunctions; to provide for contempt; and to provide severability.

LEGISLATIVE BILL 206. By Kennedy, 21st District; Hasebroock, 18th District.

A BILL FOR AN ACT to amend sections 2-1572, 2-3217, 2-3752, and 2-3253, Reissue Revised Statutes of Nebraska, 1943, and sections 2-3254 and 33-114, Revised Statutes Supplement, 1972, relating to natural resources districts; to redefine terms; to provide for bonding to treasurers of natural resource districts; to provide procedure for project improvement areas for natural resource districts; to provide for collection of fees for natural resource districts; and to repeal the original sections.

LEGISLATIVE BILL 207. By Marsh, 29th District.

A BILL FOR AN ACT relating to abuse of minor children and incompetent or disabled persons; to define terms; to provide for reporting and servicing abuse cases; to provide for a central registry and establish legal immunity; and to provide a penalty.

LEGISLATIVE BILL 208. By Fellman, 4th District.

A BILL FOR AN ACT to amend section 20-131, Revised Statutes Supplement, 1972, relating to civil rights; to make discrimination because of blindness, visual handicap, or other physical disability unlawful; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 209. By Cavanaugh, 9th District.

A BILL FOR AN ACT to amend section 18-1724, Revised Statutes Supplement, 1972, relating to cities and villages, all; to prohibit discrimination because of age or blindness; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 210. By Waldron, 42nd District.

A BILL FOR AN ACT to amend section 77-2037, Reissue Revised Statutes of Nebraska, 1943, relating to inheritance taxes; to provide for expiration of inheritance tax liens; and to repeal the original section.

LEGISLATIVE BILL 211. By F. Lewis, 45th District.

A BILL FOR AN ACT relating to the Nebraska Fair Employment Practice Act; to include blindness, visual handicap, or other physical disability where the particular disability would not prevent the performance of the work involved in the unlawful employment practices that are prohibited; and to declare an emergency.

LEGISLATIVE BILL 212. By Interim Committee on Truth In Advertising: Waldron, 42nd District, Chairman.

A BILL FOR AN ACT relating to frauds; to define terms; to provide for home solicitation sales as prescribed; and to provide penalties.

MOTION—Rule Changes

Mr. Duis moved the adoption of Rule Change (1), found on page 128 of the Journal for the Seventh Day. (Rule 2, Section 7b)

The Rule Change was adopted with 35 ayes, 0 nays and 14 not voting.

Mr. Duis moved the adoption of Rule Change (2) found on page 128 of the Journal for the Seventh Day. (Rule 4, Sections 9 and 10)

The Rule Change was adopted with 31 ayes, 0 nays and 18 not voting.

Mr. Duis moved the adoption of Rule Change (3) found on page 128 of the Journal for the Seventh Day. (Rule 4, Section 5, page 20)

Mr. Carpenter moved to have this Rule Change referred back to the Rules Committee.

The motion prevailed with 39 ayes, 0 nays and 10 not voting.

UNANIMOUS CONSENT– General File Bills

Mr. Carpenter asked unanimous consent to take up the General File bills at this time. No objections. So ordered.

MOTION–Return LB 5 and LB 7 to Committee

Mr. Skarda moved to return LB 5 and LB 7 to Committee.

The motion prevailed with 35 ayes, 0 nays and 14 not voting.

MOTION–Telecommunications Committee

Mr. Carpenter moved to confirm the appointments recommended to the Telecommunications Committee found on page 125 of the Journal for the Seventh Day.

The motion prevailed with 32 ayes, 0 nays and 17 not voting.

ANNOUNCEMENT

Mr. Carpenter announced that the Executive Board of the Legislative Council would meet at 1:30 p.m. today.

NOTICE OF COMMITTEE HEARINGS

Urban Affairs

LB 71	Wednesday, January 24, 1973	2:00 p.m.
LB 97	Wednesday, January 24, 1973	2:00 p.m.
LB 139	Wednesday, January 24, 1973	2:00 p.m.

(Signed) Duke Snyder, Chairman

Labor

LB 112	Wednesday, January 24, 1973	2:00 p.m.
LB 150	Wednesday, January 24, 1973	2:00 p.m.
LB 96	Wednesday, January 31, 1973	2:00 p.m.
LB 125	Wednesday, January 31, 1973	2:00 p.m.

(Signed) Richard Maresh, Chairman

Education

LB 130	Monday, January 22, 1973	2:00 p.m.

(Signed) Jerome Warner, Chairman

Judiciary

LB 110	Wednesday, January 24, 1973	2:00 p.m.
LB 116	Wednesday, January 24, 1973	2:00 p.m.
LB 126	Wednesday, January 24, 1973	2:00 p.m.
LB 169	Wednesday, January 24, 1973	2:00 p.m.

(Signed) Roland A. Luedtke, Chairman

VISITORS

President Marsh introduced 28 Fourth Grade students from Waverly and their instructors.

President Marsh introduced 30 Speech students from Boys Town High School, Boys Town, Nebraska and their instructor.

ADJOURNMENT

At 11:08 p.m., on a motion by Mr. Hasebroock, the Legislature adjourned until 10:00 a.m., Wednesday, January 17, 1973.

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 17, 1973

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Proud presiding.

PRAYER

Prayer was offered by Rev. E. L. Jeambey.

> Eternal God Our Heavenly Father:
>
> Today we would pray for the "faith of our fathers". A faith that demanded the separation of Church and State, but with a conviction that God and the State should never be separated.
>
> When we salute the flag and make a pledge of allegiance say: "I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation, UNDER GOD, indivisible, with Liberty and Justice for all".
>
> Help us, O God, to catch the spirit of our forefathers, and keep our state and nation secure, by recapturing the "Spirit of '76".
>
> We pray in the name of the God we trust. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Fellman who was excused until 10:30 a.m., Mr. DeCamp who was excused and Mr. Waldron who was absent until 11:15 a.m.

CORRECTIONS FOR THE JOURNAL

Page 142, line 6, after "By" insert "Executive Board'"; after "District" insert "Chairman".

The Journal for the Eighth Day was approved as corrected.

UNANIMOUS CONSENT—Members Excused

Mr. Murphy asked unanimous consent to be excused this afternoon. No objections. So ordered.

Mr. Richendifer asked unanimous consent to be excused tomorrow, January 18, 1973. No objections. So ordered.

Mr. Luedtke asked unanimous consent to be excused Thursday and Friday of this week and all of next week. No objections. So ordered.

Mr. Kennedy asked unanimous consent to be excused Thursday and Friday of this week and Monday, Tuesday and Wednesday of next week. No objections. So ordered.

Mr. Clark asked unanimous consent to be excused Thursday and Friday of this week. No objections. So ordered.

Mr. Warner asked unanimous consent to be excused at 10:30 until 2:30 today. No objections. So ordered.

Mr. Carpenter asked to be excused next week. No objections. So ordered.

Mr. Chambers asked unanimous consent to be excused Tuesday through Friday of next week. No objections. So ordered.

COMMUNICATIONS

January 15, 1973

Mr. Vincent D. Brown
Clerk of the Legislature
Legislative Council
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Brown:

Pursuant to Section 39-1320.01 R.R.S. Nebraska 1943 I am submitting a report to the Legislature on the status of the Outdoor Advertising Control program of the Nebraska Department of Roads.

The subject statute requires that this report shall include information on the number of signs, displays or devices removed and the cost thereof Federal and matching funds expended or obligated, an estimate for the succeeding year, and such other information as the Legislature or the Legislative Council shall officially order the Department to provide.

I and the staff of the Nebraska Department of Roads stand ready to provide to the Legislature or the Legislative Council any additional information which might be desired on this program.

Sincerely,
DEPARTMENT OF ROADS

(Signed) Thomas D. Doyle
Director-State Engineer

TDD/jp
Attachments

GENERAL DESCRIPTION OF PROGRAM

On March 27, 1972 the Nebraska Unicameral passed Outdoor Advertising Control Bill LB 1181 with the emergency clause. This report summarizes the activity of the Department in the implementation of this act under Section 39-1320 of the Nebraska Statutes. It also provides an estimate of the program activity for calendar year 1973. This report is intended to provide a concise summary of the program, and specific documentation for all of these activities can be provided should they be desired.

Between the effective date of March 27 and December 31, 1972, 5,582 outdoor advertising signs were removed as a result of the Department of Roads Advertising Control program. Most of these signs were such that they were regarded as abandoned, badly deteriorated, or of generally nominal value.

The total cost to purchase and/or move these signs was $74,342. Of this cost the State of Nebraska share was $25,129 and Federal matching funds amounted to $49,213.

For calendar 1973 it is estimated that a total expenditure for the sign removal program will be such as not to exceed $500,000. Of this amount, $125,000 would be State funds and $375,000 will be Federal matching funds under the National Beautification Program. The following is a summary of amounts obligated at this time for work to be performed in calendar 1973.

Agreements for future purchase	1,558 signs
Total agreed future cost of these 1,558 signs	$52,288
Agreed future purchase cost to State of Nebraska	$13,072
Federal matching funds in purchase	$39,216
Agreed labor cost to remove the above 1,558 signs	$14,022
Labor cost to State of Nebraska to remove	$ 3,505
Federal participation to remove	$10,517

The balance of the estimated $500,000 maximum expenditure would be expended under a controlled program which will consist of selecting specific areas throughout the State and specific sign types for acquisition and removal. This controlled program will provide necessary cost data for an expanded program during calendar years 1974 through 1976 which is the present completion date for removal of all outdoor advertising signs.

In this regard, it should be noted that a National Cost Schedule has been prepared and submitted to the states for use in removal of outdoor advertising signs and devices. However, Nebraska has some reservations as to whether this schedule is appropriate in our own particular case and feels that it is essential for our program to be evaluated on the basis of actual experience rather than to rely totally upon any such national schedule of signs.

In closing, it should be noted that certain provisions in the Outdoor Advertising Control Statutes apparently require clarification. For example, we are not certain that present statutes adequately spell out the authority of the Department in establishing rules and regulations, especially relative to requiring of permit and permit fee schedules, and expect that the Nebraska Unicameral will be requested to consider clarification of such laws. This submission is expected to be made as soon as practicable.

It should be noted that the anticipated program for calendar year 1973 is dependent upon the availability of Federal matching funds. Should such funds become either unavailable or seriously restricted, the Department would curtail the outdoor advertising programs accordingly as provided for under Subsection (2) B. of 39-1320.01.

Requestes for additional information should be directed to the attention of Permits Officer, Byron R. Warlick, Nebraska Department of Roads, Telephone Extension 625 or 648.

Nebraska Department of Roads
January 15, 1973

ATTORNEY GENERAL OPINION

January 16, 1973

Senator Herbert J. Duis
Nebraska State Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Senator:

You state that in L. B. 1513, Second Session, Eighty-Second Legislature, an appropriation was made to the University of Nebraska in the amount of $100,000 for a "Life Science Building – Physical Planning." You also state that in visiting with the officials of the University you learned that this money was being held up because of L. B. 1323, 1969 Legislature. You then state that it is your earnest belief that the Department of Administrative Services should not hold up the money which would be used in the planning and you ask if this restraint can be placed by that department upon this fund appropriated in L. B. 1513.

In previous discussion with this office you indicated that you were interested in this program and that you desired our advice for the purpose of taking legislative action, if needed. We have reviewed L. B. 1513 as enacted by the 1972 Session of the Nebraska Legislature and find no basis for holding it other than a valid appropriation for the purpose specified.

The problem raised is that L. B. 1323, Laws 1969, Chapter 772, Page 2922, creates a Capital Facilities Planning Bureau in the General Services Division of the Department of Administrative Services. These sections are incorporated into the statutes as Section 81-1108.02 to 81-1108.09, R. R. S. 1943. Section 81-1108.06 provides in part:

> "No state agency or department may contract for the planning, design, or construction of new facilities or major modification or repair of existing facilities unless the conditions of the contracts are approved in writing by the Governor;***."

If, as construed by the Director of the Department of Administrative Services, these provisions were intended to be applicable to the Board of Regents of the University of Nebraska, then a part of the authority of the University of Nebraska would be subjected to the control of the Governor. However, Article VII, Section 10, Constitution of Nebraska, provides in part:

> "The general government of the University of Nebraska shall, under the direction of the Legislature, be vested in a board of not less than six nor more than eight regents to be designated the Board of Regents of the University of Nebraska, who shall be elected from and by districts as herein provided.***."

The question thus presented is not whether the Legislature can expand or contract the powers of the Board of Regents as this has been clearly established. See State ex rel. Bushee v. Whitmore, 85 Neb. 566, 123. N. W. 1051. The question is whether or not the exercise by the Board of Regents of their authority can be made subject to the control or approval of one of the executive officers of state government by the Legislature. We think not. In the case of State v. Chase, 175 Minn. 259, 220 N. W. 951, the Minnesota Supreme Court pointed out that when the people had declared by the Constitution that certain powers shall be possessed and duties performed by a particular officer or department, their exercise and discharge by any other officer or department, are forbidden by necessary and unavoidable implication. Every positive delegation of power to one officer or department implies a negation of its exercise by any other officer, department or person. If this were not true, the whole constitutional fabric might be undermined and destroyed. Under similar constitutional provisions to those of Nebraska, the Minnesota court stated that the whole power to govern the University was put in the Regents by the people so that no part of it could be put elsewhere except by the people themselves. In the case of State ex rel. State Railway Commission v. Ramsey, 151 Neb. 333, 37 N. W. 2d 502, the Legislature attempted to give the regulation of common carriers by air to the State Aeronautics Department. Our court held that the regulation of all common carriers was vested by the Constitution in the State Railway Commission and stated:

> "The Legislature has no power to divest the State Railway Commission of its constitutional jurisdiction to regulate and control common carriers by air by transferring it to another body or jurisdiction.***."

This office has consistently taken this position with reference to those offices established by the Constitution. See Opinion No. 110, 1969-1970 Report of the Attorney General, Page 164.

The planning for the needs of the University are certainly a part of the constitutional authority, under the direction of the Legislature, of the Board of Regents of the University of Nebraska. This authority cannot be taken from the Board of Regents of the University and given to another department or agency of state government nor subjected to the control of another department or agency of the State of Nebraska by the Legislature. If this is to be done, it should be done by constitutional amendment. If Section 81-1108.06 is to be construed to apply to the Board of Regents of the University of Nebraska, then to that extent it would certainly be invalid. If, on the other hand, it is construed not to apply to the Board of Regents, then there is no authority in the Director of the Department of Administrative Services to attempt to withhold the expenditure of the appropriation authorized by the Legislature. In either event, amendatory legislation might be advisable to clearly delineate the extent of the authority granted in this section. We would be willing to work with you and the bill drafter in preparing the appropriate legislation.

Yours most sincerely,

CLARENCE A. H. MEYER
Attorney General

(Signed) Gerald S. Vitamvas
Deputy Attorney General

GSV:cp

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 213. By Richendifer, 16th District.

A BILL FOR AN ACT to amend section 39-7,133, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicles; to provide for revocation of drivers' licenses as prescribed; and to repeal the original section.

LEGISLATIVE BILL 214. By Retirement Committee: Whitney, 44th District, Chairman.

A BILL FOR AN ACT to amend section 23-2313, Reissue Revised Statutes of Nebraska, 1943, relating to the retirement system for counties; to transfer duties; to provide for reports as prescribed; and to repeal the original section.

LEGISLATIVE BILL 215. By Retirement Committee: Whitney, 44th District, Chairman.

A BILL FOR AN ACT to amend section 79-1050, Reissue Revised Statutes of Nebraska, 1943, relating to the retirement system of Class V school districts; to transfer duties and the time for their performance; to provide for reports and fees; and to repeal the original section.

LEGISLATIVE BILL 216. By Retirement Committee: Whitney, 44th District, Chairman.

A BILL FOR AN ACT to replace the Retirement Board for Nebraska Counties; to amend section 23-2301, Reissue Revised Statutes of Nebraska; and to repeal the original section, and also sections 23-2303 and 23-2304, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 217. By Chambers, 11th District.

A BILL FOR AN ACT to amend section 79-1003, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide for election of members of the board of education of a Class V school district from districts; and to repeal the original section.

LEGISLATIVE BILL 218. By Chambers, 11th District.

A BILL FOR AN ACT relating to Class V school districts; to make unlawful the endorsement or financial support of any candidate for public office by certain groups except as prescribed; and to provide penalties.

LEGISLATIVE BILL 219. By Chambers, 11th District.

A BILL FOR AN ACT to amend sections 84-1402 and 84-1405, Revised Statutes Supplement, 1972, relating to public meetings; to expand the definition of convened meeting; to limit executive sessions; and to repeal the original sections.

LEGISLATIVE BILL 220. Bv Government, Military and Veteran's Affairs Committee: Chambers, 11th District, Chairman.

A BILL FOR AN ACT to amend sections 23-1114 and 23-1114.02 to 23-1114.07, Revised Statutes Supplement, 1972, relating to county government and officers; to provide for payment of salaries of appointive full-time veterans service officers on the same basis as elected county officials; and to repeal the original sections.

LEGISLATIVE BILL 221. By Kremer, 34th District.

A BILL FOR AN ACT relating to public welfare; to define terms; to provide for the licensing of custodial facilities furnishing board and room type services to recipients or potential recipients of public assistance; to provide for violations; to provide penalties; and to declare an emergency.

LEGISLATIVE BILL 222. By Kremer, 34th District.

A BILL FOR AN ACT relating to public welfare; to provide authority for the state Director of Public Welfare to audit costs of nursing homes; and to provide for suspension of funds.

LEGISLATIVE BILL 223. By Kennedy, 21st District.

A BILL FOR AN ACT to amend section 48-185, Reissue Revised Statutes of Nebraska, 1943, relating to workmen's compensation court; to provide for direct appeal from the workmen's compensation court to the Supreme Court; to repeal the original section, and also sections 48-183 and 48-184, Reissue Revised Statutes of Nebraska, 1943, and section 48-182, Revised Statutes Supplement, 1972.

LEGISLATIVE BILL 224. By Marsh, 29th District.

A BILL FOR AN ACT to amend sections 2-104, 15-316, 16-317, 17-605, 23-1301, 23-1517.01, 23-1527, 60-505, 77-2712, 77-27,105, 84-308, 84-505, and 84-1213, Reissue Revised Statutes of Nebraska, 1943, and sections 2-105 and 52-1003, Revised Statutes Supplement, 1972, and section 9-403, Uniform Commercial Code, relating to records management; to change the manner the annual report of the State Board of Agriculture is distributed; to provide that essential state and local records be preserved;to provide that documents may be filed by the roll form of microfilm; to clarify filing procedures; to provide that the State Records Board shall specify how long records shall be retained; to provide for retention of records in photographic form; to provide penalties; and to repeal the original sections, and also section 77-1773, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 225. By Stahmer, 8th District.

A BILL FOR AN ACT to repeal section 14-1901, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 226. By Judiciary Committee: Luedtke, 28th District, Chairman.

A BILL FOR AN ACT to amend section 25-1631, Reissue Revised Statutes of Nebraska, 1943, and sections 24-509, 24-511, 24-514, 24-516, 24-517, 24-701, 24-703, 39-794, 39-795, 39-796, and 42-108, Revised Statutes Supplement, 1972, relating to courts; to clarify the filing of oaths, the duties of clerks of county courts, and the preparation of budgets for county courts; to provide for temporary assignments of county judges and the filling of vacancies; to clarify jurisdiction on adoption; to except pro tempore associate county judges from retirement provisions; to clarify provisions relating to violations bureaus and selection of jury panels; to remove requirements for filing certain conviction reports with county treasurers and to permit use of conviction reports other than those furnished by the Director of Motor Vehicles; to claify the power of associate county judges to perform marriages; to repeal the original sections, and also sections 24-703.01 and 29-616, Revised Statutes Supplement, 1972; and to declare an emergency.

LEGISLATIVE BILL 227. By Judiciary Committee: Luedtke, 28th District, Chairman.

A BILL FOR AN ACT to amend sections 76-204 and 76-241, Reissue Revised Statutes of Nebraska, 1943, relating to deeds; to provide for acknowledgments of documents for recordation; and to repeal the original sections.

LEGISLATIVE BILL 228. By Judiciary Committee: Luedtke, 28th District, Chairman.

A BILL FOR AN ACT to amend section 43-234, Reissue Revised Statutes of Nebraska, 1943, relating to juvenile court; to provide state funding for the salary of the judges; to provide for stenographic reporters; to provide salaries for such reporters; and to repeal the original section.

LEGISLATIVE BILL 229. By Clark, 47th District.

A BILL FOR AN ACT to amend section 79-487, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide school buses to transport individuals aged sixty or older; and to repeal the original section.

LEGISLATIVE BILL 230. By Hasebroock, 18th District.

A BILL FOR AN ACT relating to agriculture; to provide authority for natural resource districts to issue general obligation bonds as prescribed.

LEGISLATIVE BILL 231. By Kime, 43rd District.

A BILL FOR AN ACT to amend section 81-556, Revised Statutes Supplement, 1972, relating to state administrative departments; to authorize inspection of the work of state licensed electricians; and to repeal the original section.

LEGISLATIVE BILL 232. By Syas, 13th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article III, section 7, of the Constitution of Nebraska, relating to the Legislature; to permit an increase in the salary of members of the Legislature as prescribed; to provide for the submission of the proposed amendment to the electors at the general election in November, 1974; to provide for the manner of submission and form of ballot; and to provide the effective date thereof.

REFERENCE COMMITTEE REPORT

LB	Committee
193	Labor
194	Urban Affairs
195	Agriculture and Environment
196	Public Works
197	Education
198	Constitutional Revision and Recreation
199	Public Works
200	Appropriations
201	Agriculture and Environment
202	Judiciary
203	Miscellaneous Subjects
204	General File
205	Judiciary
206	Public Works
207	Judiciary
208	Public Health and Welfare
209	Urban Affairs
210	Revenue
211	Labor
212	Miscellaneous Subjects
5	From General File to Public Health and Welfare Committee

7 From General File to Government, Military and Veteran's Affairs Committee

Re-referred LB 163 from Government, Military and Veteran's Affairs Committee to Constitutional Revision and Recreation Committee.

(Signed) Terry Carpenter, Chairman

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 1. Replaced on Select File as amended.
E & R amendment to LB 1:

1. In lieu of the Carpenter amendment, in renumbered section 5, line 8, strike "fifteen" and insert "~~fifteen~~ not to exceed twenty-five".

LEGISLATIVE BILL 82. Replaced on Select File as amended.
E & R amendment to LB 82:

1. On page 2, lines 5 and 6, strike "sections 50-111 and 50-121" and insert "~~sections~~ section 50-111 ~~and 50-121~~".

The following bills were correctly engrossed:

2	3	4	6	79
80	81	83		

(Signed) John J. Cavanaugh, Chairman

ANNOUNCEMENT

Mr. Wiltse announced that Mr. Witcig from the Social Security Office will visit with the members at 1:00 p.m. today.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 233. By Richendifer, 16th District.

A BILL FOR AN ACT to amend section 47-113, Reissue Revised Statutes of Nebraska, 1943, and sections 33-117 and 47-113.01, Revised Statutes Supplement, 1972, relating to jails; to provide that counties of less than two hundred thousand inhabitants shall be reimbursed for boarding all prisoners out of the state treasury; to provide an amount counties of over two hundred thousand inhabitants shall receive for state prisoners; to repeal the original sections, and also sections 23-362 and 23-364, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 234. By Fellman, 4th District.

A BILL FOR AN ACT to amend section 44-1901, Reissue Revised Statutes of Nebraska, 1943, and section 44-201, Revised Statutes Supplement, 1972, relating to insurance; to redefine title insurance; and to repeal the original sections.

LEGISLATIVE BILL 235. By Schmit, 23rd District.

A BILL FOR AN ACT to amend section 43-512, Revised Statutes Supplement, 1972, relating to assistance for dependent children; to eliminate maximum monthly payments; to define terms; to provide how assistance shall be computed; and to repeal the original section.

MOTION—Poll of Members

Mr. Simpson moved that a written poll be taken from the members on their individual needs for research aides both during and between sessions. This information to be gathered by Senator Savage's committee who shall then make a recommendation to the body as their conclusions from the poll. The motion prevailed.

UNANIMOUS CONSENT—Members Excused

Messrs. Duis, Marvel and Stahmer asked unanimous consent to be excused Thursday and Friday of this week. No objections. So ordered.

UNANIMOUS CONSENT—General File

Mr. Carpenter asked unanimous consent to take up General File at this time. No objections. So ordered.

UNANIMOUS CONSENT—Member Excused

Mr. Marvel asked unanimous consent to be excused at 11:30 for the remainder of the morning. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 204. Title read. Considered.

Mr. Snyder moved this bill be referred to a committee for a public hearing.

Mr. Carpenter moved to indefinitely postpone.

Mr. Carpenter requested a record vote.

Voting in the affirmative, 4:

Burbach	Dickinson	Moylan	Nore

Voting in the negative, 39:

Anderson	Barnett	Carpenter	C. Carsten	Cavanaugh
Chambers	Clark	Duis	Epke	Fellman
Fowler	Goodrich	Hasebroock	Johnson	Kelly
Keyes	Kime	Kremer	F. Lewis	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Murphy
Proud	Rasmussen	Richendifer	Savage	Schmit
Simpson	Skarda	Snyder	Stahmer	Stull
Syas	Waldron	Whitney	Wiltse	

Not voting, 6:

F. Carstens	DeCamp	Kennedy	Marvel	Stromer
Warner				

The motion lost.

Mr. Carpenter requested a Call of the House on the Snyder motion. The Call showed 43 members present.

Mr. Carpenter moved the Call be raised. The motion prevailed with 45 ayes, 0 nays and 4 not voting.

Mr. Carpenter requested a record vote on the Snyder motion.

Voting in the affirmative, 11:

C. Carsten	F. Carstens	Dickinson	Epke	R. Lewis
Maresh	Moylan	Nore	Richendifer	Snyder
Whitney				

Voting in the negative, 27:

Anderson	Barnett	Carpenter	Cavanaugh	Chambers
Duis	Fellman	Fowler	Hasebroock	Kelly

Keyes F. Lewis Luedtke Mahoney Marsh
Proud Rasmussen Savage Schmit Simpson
Skarda Stahmer Stromer Stull Syas
Waldron Wiltse

Not voting, 11:

Burbach Clark DeCamp Goodrich Johnson
Kennedy Kime Kremer Marvel Murphy
Warner

The motion lost.

Advanced to E & R for Review with 35 ayes, 3 nays and 11 not voting.

NOTICE OF COMMITTEE HEARING

Agriculture and Environment

LB 36	Friday, January 26, 1973	2:00 p.m.
LB 66	Friday, January 26, 1973	2:00 p.m.
LB 73	Friday, January 26, 1973	2:00 p.m.
LB 98	Friday, January 26, 1973	2:00 p.m.

(Signed) Loran Schmit, Chairman

Public Works

LB 152	Thursday, January 25, 1973	2:00 p.m.
LB 144	Friday, January 26, 1973	2:00 p.m.
LB 186	Friday, January 26, 1973	2:00 p.m.
LB 188	Friday, January 26, 1973	2:00 p.m.
LB 176	Thursday, February 1, 1973	2:00 p.m.
LB 160	Thursday, February 8, 1973	2:00 p.m.
LB 170	Wednesday, February 14, 1973	2:00 p.m.

(Signed) Maurice A. Kremer, Chairman

STANDING COMMITTEE REPORT

Revenue

LEGISLATIVE BILL 15. Placed on General File.

LEGISLATIVE BILL 16. Placed on General File.

(Signed) J. W. Burbach, Chairman

ADJOURNMENT

At 11:58 a.m., on a motion by Mr. Hasebroock, the Legislature adjourned until 10:00 a.m., Thursday, January 18, 1973.

Vincent D. Brown
Clerk of the Legislature

TENTH DAY—JANUARY 18, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

TENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 18, 1973

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Marsh presiding.

PRAYER

Prayer was offered by Rev. E. L. Jeambey.

> Help us to keep our lives in tune with the divine will by open hearts and submissive minds. We realize that if our attitudes are right, the experiences of life, and the programs of our labors, will yield greater assets than liabilities.
>
> Help us to keep well balanced and out of the overdrafts and not become bankrupt morally or politically.
>
> Grant that we might realize that under divine direction our gains will exceed our losses; our blessings will be greater than our hardships, and our delights will be greater than our disappointments.
>
> Be pleased to keep us from the anxiety that robs us of our efficiency, but help us not to become indifferent to the needs of humanity, and the problems that we face for solution.
>
> May direction from above be ours today, and as a result of today's deliberations, conclusions shall be drawn, and programs developed that shall become widely beneficial.
>
> In the name of Christ our Lord we pray. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Clark, Duis, Kennedy, Luedtke, Marvel, Richendifer and Stahmer who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Ninth Day was approved.

UNANIMOUS CONSENT–Members Excused

Mr. F. Carstens asked unanimous consent to be excused Friday, January 19. No objections. So ordered.

Mrs. Marsh asked unanimous consent to be excused Friday, January 19. No objections. So ordered.

COMMUNICATION

January 17, 1973

Mr. Vincent D. Brown
Clerk of the Legislature
Lincoln, Nebraska 68509

Dear Mr. Brown:

We are submitting herewith the actuarial valuations of the following retirement systems:

State Patrolmen's Retirement System–Fiscal Report ending June 30, 1972
School Retirement System–Fiscal Report ending June 30, 1972
State Employees Retirement System–Calendar Report ending December 31, 1971
Judges Retirement System–Fiscal Report ending June 30, 1972

Please note that the letter attached to the Judges Retirement System actuarial report refers to the actuary's revised valuation. It reflects the fiscal impact of implementation of LB 1032, effective January 3, 1973, establishing a state-wide system of county courts.

Respectfully submitted,

(Signed) Kenneth D. Steinmiller
Director

KDS:VMF
Enclosures 4

(Reports on file in the Clerk's Office.)

NOTICE OF COMMITTEE HEARING
Public Works

LB 11 Reset on Wednesday, January 31, 1973 2:00 p.m.

LB 177	Wednesday, January 31, 1973	2:00 p.m.
LB 180	Wednesday, January 31, 1973	2:00 p.m.
LB 189	Wednesday, January 31, 1973	2:00 p.m.
LB 196	Thursday, February 1, 1973	2:00 p.m.

(Signed) Maurice A. Kremer, Chairman

STANDING COMMITTEE REPORT

Banking

LEGISLATIVE BILL 39. Placed on General File.

LEGISLATIVE BILL 56. Placed on General File.

LEGISLATIVE BILL 140. Placed on General File.

LEGISLATIVE BILL 142. Placed on General File.

LEGISLATIVE BILL 143. Placed on General File.

(Signed) F. Carstens, Chairman

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 236. By Goodrich, 20th District.

A BILL FOR AN ACT to amend section 81-1316, Reissue Revised Statutes of Nebraska, 1943, relating to the state personnel system; to provide additional exemption; and to repeal the original section.

LEGISLATIVE BILL 237. By Judiciary Committee: Luedtke, 28th District, Chairman.

A BILL FOR AN ACT to establish the office of Public Counsel; to provide for his appointment, qualifications and duties; to provide for funding of the office of Public Counsel; to provide the effective date of this act; and to declare an emergency.

LEGISLATIVE BILL 238. By Wiltse, 1st District.

A BILL FOR AN ACT to amend section 85-308, Reissue Revised Statutes of Nebraska, 1943, relating to state colleges; to restate the purpose of state colleges; and to repeal the original section.

MOTION–Return LB 204 to General File

Mr. Warner moved to return LB 204 to General File for possible reconsideration. The motion lost with 17 ayes, 15 nays and 17 not voting.

MOTION–Rule Changes

Mr. Carpenter moved to Amend Rule 5, Sec. 5 to read:

Sec. 5. Introduction of Bills, ~~Twenty-Day~~ Limitiation. (a) Except as provided in Rule 5, Sec. 6, no bill shall be introduced after the ~~twentieth~~ tenth legislative day during regular sessions in odd-numbered years and after the tenth legislative day during regular sessions in even-numbered years, except upon recommendation of the Governor, or by a majority of the members of a standing committee whose names shall be affixed to the bill and approved by a vote of three-fifths of the elected members of the Legislature.

Mr. Carpenter moved to amend Rule 5, Section 1 as follows: Add a new subsection (b)

"(b) In order to expedite the introduction of bills, the bill drafter shall when the Legislature is in session, notify a senator of the fact that the bill requested by said senator is ready for introduction. The senator shall review said bill and advise the bill drafter that the same is ready for introduction. The bill drafter shall then deliver to the Clerk's office all copies of the bill with the notation thereon as to the introducers. The Clerk shall then introduce the bill. Should the senator be uncertain as to whether the bill is in proper form, he may take with him from the bill drafter's office, the member copy only. In that event the bill drafter shall deliver to the Clerk the other copies of the bill for introduction, unless the senator advises him of a request for a change or correction within three legislative days.

In the event of bills requested by the various executive agencies or departments the bill drafter shall advise them of the fact that their bill is available for introduction. Said bill shall then be referred to the Executive Board for introduction."

Referred to Rules Committee.

SELECT FILE

LEGISLATIVE BILL 1. E & R amendment found in the Journal on page 157 for the Ninth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 82. E & R amendment found in the Journal on page 157 for the Ninth Day was adopted.

Advanced to E & R for Engrossment.

ANNOUNCEMENTS

The Clerk announced that the Executive Board would meet at 1:30 p.m. today in the Legislative Council Hearing Room.

The Clerk announced that the Public Works Committee will meet in Room 2227 this afternoon instead of the Legislative Council Hearing Room.

NOTICE OF COMMITTEE HEARING
Banking, Commerce and Insurance

LB 165	Monday, February 5, 1973	2:00 p.m.
LB 166	Monday, February 5, 1973	2:00 p.m.
LB 167	Monday, February 5, 1973	2:00 p.m.
LB 164	Tuesday, February 6, 1973	2:00 p.m.
LB 153	Tuesday, February 13, 1973	2:00 p.m.
LB 161	Tuesday, February 13, 1973	2:00 p.m.

(Signed) Fred Carstens, Chairman

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 10. Placed on General File.

(Signed) Jerome Warner, Chairman

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 239. By Maresh, 32nd District.

A BILL FOR AN ACT to amend section 23-378, Reissue Revised Statutes of Nebraska, 1943, and sections 48-115 and 48-126.01, Revised Statutes Supplement, 1972, relating to ambulance service; to provide joint ambulance service between counties and municipalities; to provide workmen's compensation benefits to volunteer ambulance units; and to repeal the original sections.

LEGISLATIVE BILL 240. By Hasebroock, 18th District.

A BILL FOR AN ACT to amend sections 39-782 and 39-783, Reissue Revised Statutes of Nebraska, 1943, and section 39-7,104, Revised Statutes Supplement, 1972, relating to motor vehicles; to provide a method of approving light equipment and safety glass by the Department of Motor Vehicles as prescribed; and to repeal the original sections, and also sections 39-784, 39-784.01, and 39-785, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 241. By Marsh, 29th District.

A BILL FOR AN ACT to amend section 23-1507, Reissue Revised Statutes of Nebraska, 1943, relating to the register of deeds; to provide additional penalties as prescribed; and to repeal the original section.

LEGISLATIVE BILL 242. By Rasmussen, 41st District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article VIII, section 3, of the Constitution of Nebraska, relating to revenue; to reduce the time for redemption from sales of real estate for nonpayment of taxes or special assessments; to provide for the submission of the proposed amendment to the electors at the general election in November, 1974; to provide for the manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 243. By Warner, 25th District.

A BILL FOR AN ACT to amend section 71-2608, Reissue Revised Statutes of Nebraska, 1943, relating to the State Board of Health; to eliminate the maximum salary limitation to be paid the Director of Health; and to repeal the original section.

LEGISLATIVE BILL 244. By Simpson, 46th District.

A BILL FOR AN ACT to amend section 33-114, Revised Statutes Supplement, 1972, relating to county treasurers; to provide for fees to the county treasurers in a county where the county seat is a city of the primary class as prescribed; and to repeal the original section.

LEGISLATIVE BILL 245. By Cavanaugh, 9th District.

A BILL FOR AN ACT to amend sections 31-727, 31-728, 31-729, 31-739, 31-740, 31-744, and 31-749, Revised Statutes Supplement, 1972, relating to sanitary and improvement districts; to permit districts to install public waterways, docks or wharfs and related appurtenances and to construct or to contract for the construction of dikes and levees for flood protection for the district; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 246. By Executive Board: Carpenter, 48th District, Chairman.

A BILL FOR AN ACT relating to state administrative departments; to change certain revolving funds to cash funds; to create two cash funds; to place a limitation on certain charges; to amend sections 72-706, 81-159, 81-167, 81-912, 81-1120.08, and 81-1120.09, Reissue Revised Statutes of Nebraska, 1943, and sections 81-161.04 and 81-1010, Revised Statutes Supplement, 1972; to provide an operative date; to repeal the original sections; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 15. Title read. Considered

Mr. Epke offered the following amendment:
On page 2, line 5, strike "eight" and insert "four".

The amendment was adopted with 21 ayes, 10 nays and 18 not voting.

Advanced to E & R for Review with 34 ayes, 0 nays and 15 not voting.

LEGISLATIVE BILL 16. Title read. Considered.

Mr. Carpenter offered the following amendment:
Sec. 2, line 25, strike "two hundred"
and insert "fifteen hundred".

The amendment was adopted with 22 ayes, 0 nays and 27 not voting.

Advanced to E & R for Review with 34 ayes, 0 nays and 15 not voting.

NOTICE OF COMMITTEE HEARING
Constitutional Revision and Recreation

LB 198	Thursday, January 25, 1973	2:00 p.m.
LB 163	Thursday, February 1, 1973	2:00 p.m.

(Signed) George Syas, Chairman

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 141. Placed on General File as amended.
Standing Committee amendments to LB 141:

1. Amend by adding after section 1, a new section 2 as follows:

"Sec. 2. That section 8-823, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-823. The following provisions shall apply to loans made under section 8-820:

(1) Every such loan shall be repayable within a period of ~~eighty-five~~ one hundred twenty-one months in approximately equal or declining installments of principal or of principal and charges combined, at approximately equal intervals and may be prepared in whole or in part at any time. One or more of the periodic installments may be accelerated or deferred when the borrower's chief source of income makes such arrangement necessary, if the note or contract so provides and approximately (a) one half of the entire amount be payable in the first half of the full period of the loan and (b) approximately one half of the entire amount be payable in the last half of the full period of the loan;

(2) The bank shall give the borrower a receipt showing the date and amount of each payment made, on account of any such loan;

(3) No bank shall take, in connection with any such loan, any confession of judgment, power of attorney to confess judgment, power of attorney to appear for a borrower in a judicial proceeding, or agreement to pay the costs of collection of the attorney's fees; and

(4) No bank shall take a lien upon real estate as security for any such loan.".

2. Renumber the original sections 2 and 3 as sections 3 and 4 respectively.

3. On page 2, line 24, strike "section 8-815" and insert "sections 8-815 and 8-823"; and in line 25, strike "is" and insert "are".

(Signed) Fred Carstens, Chairman

NOTICE OF COMMITTEE HEARING
Government, Military and Veteran's Affairs

LB 74	Thursday, January 25, 1973	2:00 p.m.
LB 75	Thursday, January 25, 1973	2:00 p.m.
LB 95	Thursday, January 25, 1973	2:00 p.m.
LB 137	Friday, January 26, 1973	2:00 p.m.
LB 174	Friday, January 26, 1973	2:00 p.m.
LB 183	Friday, January 26, 1973	2:00 p.m.

(Signed) Ernest Chambers, Chairman

VISITORS

President Marsh introduced 3rd and 4th grade students, teachers and mothers from Lincoln Christian School, Lincoln.

President Marsh introduced 44 8th and 10th grade students and teachers from Humphrey High School, Humphrey, Nebraska.

President Marsh introduced 23 4th grade students from Meadow Lane School, Lincoln and teachers.

ADJOURNMENT

At 10:58 a.m., on a motion by Mr. Carpenter, the Legislature adjourned until 10:00 a.m., Friday, January 19, 1973.

Vincent D. Brown
Clerk of the Legislature

ELEVENTH DAY–JANUARY 19, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

Legislative Chamber, Lincoln, Nebraska
Friday, January 19, 1973

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Proud presiding.

PRAYER

Prayer was offered by the Chaplain.

> O God, stop us for a minute of prayer. Stop our anxious minds from wandering, and our wearied spirits from desiring anything but to know Thy will. Let us stand at attention before Thee and hear what Thou hast to say to us. We believe that Thou canst tell us not only what to do, but also how to do it. If it needs making up our minds, Thou who didst make our minds can show us how to make them up. If it needs changing our minds, Thou canst work that miracle too. Speak, O Lord, and make us hear, for Jesus' sake. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Burbach, Carpenter, F. Carstens, Clark, Kennedy, Luedtke, Stahmer, Syas and Mrs. Marsh who were excused; Mr. Chambers who was excused until 10:45 a.m.; Messrs. Epke and Maresh who were excused for a short time and Mr. Fowler who was absent.

CORRECTIONS FOR THE JOURNAL

The Journal for the Tenth Day was approved.

COMMUNICATION

January 17, 1973

Mr. Vincent D. Brown
Clerk of the Legislature
State of Nebraska
State Capitol
Lincoln, Nebraska 68509

Dear Mr. Brown:

This will acknowledge receipt of your letter of January 8 forwarding a copy of Legislative Resolution No. 3 adopted by the Legislature of Nebraska on that date.

Copies of the Resolution were also presented to the Commissioners, personally, by your Governor during our Phoenix meeting and reconsideration of the draft report is already under way.

We appreciate hearing from the Nebraska Legislature.

Sincerely yours,

(Signed) Theodore M. Schad
Executive Director

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 302, passed in the 1965 session of the Legislature, the attached is a list of all lobbyists who have registered as of January 18, 1973. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Vincent D. Brown
Clerk of the Legislature

Bloom, Bill K. – Omaha, Fraternal Order of Police State Lodge, Omaha Police Union Local No. 1
Cariotto, Joseph J. – Lincoln, Nebraska Pharmaceutical Association, Nebraska Podiatry Association
Chestem, Abner K. – Lincoln, Dept. of Nebraska, Veterans of World War I, Inc.
Crosby, Pansing & Guenzel – Lincoln
  Crosby, Robert B. – Better Nebraska Association, First Federal Savings & Loan Association of Lincoln, Glass Container Manufactuers Institute, Inc., Lower Platte South NRD, Nebraska Association of Industrial Loan
  Davis, Donn E. – Nebraska Consolidated Communications Corporation
  Guenzel, Robert C. – Nebraska Cooperative Council, Railroad Transportation Safety District
  Kessner, Theodore L. – Glass Container Manufactuers Institute, Inc.
Fraizer, T. J. – Lincoln, American Insurance Association
King, Condon R. – Lincoln, Veterans of Foreign Wars
Kratz, Dean G. – Omaha, Nebraska Building Chapter, Associated General Contractors
Mohatt, Earl A. – Lincoln, Fraternal Order of Police State Lodge
Moylan, James H. – Omaha, Nebraska Credit Union League, Nebraskans for Independent Banking

Pace, Jack M. – Lincoln, Farmers Mutual of Nebraska
Rall, Frank – Lincoln, Nebraska Insurance Information Service
Schlaphoff, Elmer – Waverly, Nebraska Livestock Feeders Association
Sexton, Marvin W. – Nickerson, Nebraska State Volunteer Firemen Association
Weber, Audrey K. – Lincoln, League of Women Voters of Nebraska

REFERENCE COMMITTEE REPORT

LB	Committee
213	Public Works
214	Nebraska Retirement Systems
215	Nebraska Retirement Systems
216	Nebraska Retirement Systems
217	Government
218	Education
219	Government, Military and Veteran's Affairs
220	Government, Military and Veteran's Affairs
221	Public Health and Welfare
222	Public Health and Welfare
223	Judiciary
224	General File
225	Urban Affairs
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228	Judiciary
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232	Constitutional Revision and Recreation
233	Government, Military and Veteran's Affairs
234	Banking, Commerce and Insurance
235	Public Health and Welfare
236	Nebraska Retirement Systems
237	Judiciary
238	Education
239	Public Health and Welfare
240	Public Works
241	Judiciary
242	Constitutional Revision and Recreation
243	Public Health and Welfare
244	Government, Military and Veteran's Affairs
245	Public Works
246	Miscellaneous Subjects

(Signed) Terry Carpenter, Chairman

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 204. Placed on Select File.

The following bills were correctly engrossed: 1, 82

(Signed) John J. Cavanaugh, III, Chairman

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 247. By Goodrich, 20th District.

A BILL FOR AN ACT to amend section 77-2350.01, Reissue Revised Statutes of Nebraska, 1943, relating to deposit and investment of public funds; to make an exception to the provisions of this section; and to repeal the original section.

LEGISLATIVE BILL 248. By Goodrich, 20th District.

A BILL FOR AN ACT relating to higher education; to provide for recruitment expenses; to amend sections 79-2616 and 85-304, Reissue Revised Statutes of Nebraska, 1943, and section 85-106, Revised Statutes Supplement, 1972; and to repeal the original sections.

LEGISLATIVE BILL 249. By Executive Board: Carpenter, 48th District, Chairman.

A BILL FOR AN ACT to amend section 35-108, Revised Statutes Supplement, 1972, relating to voluntary firemen; to provide that no fireman shall receive the benefits from more than one life insurance policy; and to repeal the original section.

LEGISLATIVE BILL 250. By Retirement Committee: Whitney, 44th District, Chairman.

A BILL FOR AN ACT to amend section 84-1501, Reissue Revised Statutes of Nebraska, 1943, relating to the Public Employees Retirement Board; to remove the Auditor of Public Accounts from the board; and to repeal the original section.

LEGISLATIVE BILL 251. By Savage, 10th District.

A BILL FOR AN ACT to amend section 79-2201.01, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to authorize educational service units to acquire equipment; and to repeal the original section.

LEGISLATIVE BILL 252. By Goodrich, 20th District.

A BILL FOR AN ACT to amend section 79-4,114, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to increase the amount of land that may be taken for a school site; and to repeal the original section.

UNANIMOUS CONSENT—Withdraw LR 2

Mr. Keyes asked unanimous consent to withdraw LR 2. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 140. Title read. Considered.

Advanced to E & R for Review with 33 ayes, 0 nays and 16 not voting.

BILLS ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 253. By Appropriations Committee: Marvel, 33rd District, Chairman; Savage, 10th District; Johnson, 15th District; Nore, 22nd District; Whitney, 44th District.

A BILL FOR AN ACT to amend sections 2, 4, 8, 11, 18, 27, 74, and 77, Legislative Bill 1476, Eighty-second Legislature, Second Session, 1972, section 3, Legislative Bill 1032A, Eighty-second Legislature, Second Session, 1972, and section 1, Legislative Bill 1279A, Eighty-second Legislature, Second Session, 1972; to change appropriations; to repeal the original sections; and to declare an emergency.

MOTION—Suspend Rules

Mr. Marvel moved to suspend the Rules and place LB 253 on General File without a public hearing. The motion prevailed with 36 ayes, 0 nays and 13 not voting.

UNAMIMOUS CONSENT—General File Bills

Mr. Kremer asked unanimous consent to take up the bills on General File without the Committee Statements in the books. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 56. Title Read. Considered.

Advanced to E & R for Review with 35 ayes, 0 nays and 14 not voting.

LEGISLATIVE BILL 142. Title Read. Considered.

Advanced to E & R for Review with 33 ayes, 0 nays and 16 not voting.

LEGISLATIVE BILL 143. Title Read. Considered.

Advanced to E & R for Review with 31 ayes, 0 nays and 18 not voting.

UNANIMOUS CONSENT—Cancel Hearing

Mr. C. Carsten asked unanimous consent to cancel the hearing on LB 114 for Monday, January 22, 1973 and reset the hearing for Tuesday, January 30, 1973. No objections. So ordered.

COMMITTEE TO ESCORT GOVERNOR

The Speaker appointed the following committee to escort the Governor to the Chamber: Messrs. Johnson, Kelly, Keyes, Rasmussen and Skarda.

NOTICE OF COMMITTEE HEARINGS
Education

LB 148	Monday, January 29, 1973	2:00 p.m.
LB 168	Monday, January 29, 1973	2:00 p.m.
LB 197	Monday, January 29, 1973	2:00 p.m.

(Signed) Jerome Warner, Chairman

Revenue

LB 94	Tuesday, January 30, 1973	2:00 p.m.
LB 114 (Reset)	Tuesday, January 30, 1973	2:00 p.m.
LB 210	Tuesday, January 30, 1973	2:00 p.m.

(Signed) J. W. Burbach, Chairman

Constitutional Revision & Recreation

LB 138	Thursday, February 1, 1973	2:00 p.m.

(Signed) George Syas, Chairman

Appropriations

LB 122	Thursday, January 25, 1973	2:00 p.m.
LB 200	Thursday, January 25, 1973	2:00 p.m.

(Signed) Richard D. Marvel, Chairman

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 254. By Interim Committee on Pesticides: Schmit, 23rd District, Chairman; Maresh, 32nd District; Moylan, 6th District; F. Carstens, 30th District; C. Carsten, 2nd District.

A BILL FOR AN ACT to amend sections 81-1504 and 81-1528, Revised Statutes Supplement, 1972, relating to the Department of Environmental Control; to change the powers and duties of the department; to delete the provision restricting power to adopt standards and criteria; to limit to villages the exemption from licensing of solid waste disposal areas; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 255. By Interim Committee on Agriculture: Schmit, 23rd District, Chairman; Kime, 43rd District; Kremer, 34th District; Keyes, 3rd District; DeCamp, 40th District.

A BILL FOR AN ACT relating to the Game and Parks Commission; to state a purpose; to define terms; to provide for permits to enter the Nebraska state park areas as prescribed; to provide for issuance of permits; to provide for fees and disbursement thereof; to provide duties for the Game and Parks Commission; and to provide for violations and penalties.

ANNOUNCEMENT

Mr. Mahoney, Vice-Chairman of the Executive Board, announced the Reference Committee would meet in the Legislative Council Hearing Room immediately upon adjournment today.

EASE

The Legislature was at ease from 10:50 a.m. until 10:58 a.m.

The Committee escorted Governor J. James Exon to the rostrum.

The Governor presented his Budget Bills to the Speaker of the Legislature.

MESSAGE FROM THE GOVERNOR

Mr. President, Mr. Speaker, Mr. Chief Justice and Associate Justices of the Supreme Court, Members of the 83rd Nebraska Legislature, Ladies and Gentlemen:

For the third time in as many years, I stand again at this podium to offer for Legislative consideration an Executive Budget specifically designed to meet the legitimate needs of Nebraska State Government and tailored to holding the line on the equivalent of state sales and income tax rates that were in effect in 1970.

The Executive Budget is presented in both Bill and Narrative Form for the first time to allow better understanding and discussion in both legislative and other forms. This is not offered as a document that represents perfection but is reasonable, workable, and is based on what I believe to be continued constructive progress.

I have no illusions that this budget will be accepted without alterations by due legislative process. But I do wish to stress that the suggested total appropriation of $563,510,000 including General Fund increased appropriations of $10,000,000 for operations, plus additional General Fund increased appropriations of $11,000,000 which represents new authorizations approved last year by this body are the near maximums allowable. I charge you with the responsibility to limit your authorizations accordingly or forthrightly take the only other honest alternative which would be to force an increase in general state tax rates.

When Revenue Sharing was approved, I immediately directed that all such funds be placed in a special account from which only the Legislature could appropriate. I do recognize the constitutional separation of powers between our two branches of government. Later in this message you will learn of my concern over the generally misunderstood concepts in this area. The net Revenue Sharing monies of approximately $31 million should be appropriated as follows, in my opinion: $6 million to fund the Personal Property Tax Bill passed over my veto last session, plus $4 million for high priority Capital Construction needs. The balance of $21 million, then, I suggest, should not be disintegrated by the financing of a host of pet projects but rather should be conserved specifically for Real Estate Tax relief. To do otherwise, it seems to me, would be breaking faith with what the vast majority of Nebraskans anticipate and expect from such funds. This will not be possible unless all resist the temptation to consider Revenue Sharing as a bonanza that brings forth an opportunity for new spending sprees.

Please allow me to digress from strictly budgetary considerations for a few minutes to comment on the generally healthy conditions of the state.

The state of the State is excellent. Nebraskans have a right to be proud as never before of their accomplishments. Anyone not "bullish" on Nebraska is uninformed. We are showing a steady growth rate in population, economy, jobs, tourism, and last year set a new record in the establishment of new industries. We have reversed the previous outmigration trend. Our number one industry, agriculture, is currently receiving relatively good prices for its products. With all of this good news, we are assured future progress and further expansion of "Nebraska and the Good Life."

But as I view my responsibilities, this is a time for me to cite not only the encouraging but some possible troublesome areas that require our collective attention and considerations in the months and years ahead.

Nebraska, with all its assets, is but one of 50 states in our great republic. We are locked into a federal system whose actions have a dramatic effect on our economic well-being, especially as they affect agriculture. I am deeply apprehensive about what appears to be the National Administration's long-range agriculture plans and how such considerations will affect Nebraska's family farms.

While all recognize 1972 as a good crop year, many of our food producers were severely handicapped by an unsatisfactory fall harvest season.

On November 16th last, I call for a federal declaration of an emergency area for certain counties thereby qualifying farmers, who could prove losses, low interest loans, among other considerations, as they plan their 1973 operations and expenses. As a result of my request, federal officials were able to establish a conceded farm loss of approximately $50 million in Nebraska although they then dilly-dallied until the U.S.D.A., under instructions from Secretary Butz, had sufficient time to expedite his previously announced plans to "phase out" such historic agriculture emergency relief that was initiated 35 years ago. I suggest that a policy of loans to lockheed but not to farmers, is, at best, inconsistent.

The agricultural policies of the administration including sharp curtailment of R.E.A. loans, extension of liberalized beef import quotas, crippling of long standing farmers home and ASCS policies, abrupt decreases in 1973 crop assistance and acreage set aside programs, severe cutbacks in watershed, flood and water conservation assistance, and cancellation of the rural environmental assistance program, all add up to long-range agricultural planning that short changes the family farmer while banking on continued crop failures in the Soviet Union as opposed to the sound management of this nation's most precious economic asset...Our great food producing plant! And what might you do about this as members of the Legislature? You could join in expressing your opposition and concern in the form of a strongly worded resolution to the President and the Nebraska Congressional Delegation on all of these anti-rural America pronouncements. I urge your action accordingly.

Turning to another matter of concern to all, road building, we see more inconsistencies. The Federal Administration's impoundment of some five billion dollars of Highway Trust Funds, already collected and paid into the fund by special Highway User Taxes, and its detrimental effect on State Road Construction Programs remains of great concern to myself and all my fellow Governors. That five billion represents more than one year's total federal highway authorizations. The Governors have made our objections known in Washington.

As you may know, we have been kept closely advised by the State of Missouri in their thus far successful challenge, through the Federal Courts, of the administration's actions in this regard. The U.S. Supreme Court will eventually decide on an appeal by the Federal Government from a lower Federal Court's decision directing the administration to release all such funds. This month prominent elected Congressmen and U. S. Senators have intervened as a "Friend of the Court" on the side of the State of Missouri. Here again I suggest that a resolution of support to proper authority of the position I have taken would be in order from the Nebraska Legislature, including language to place us in opposition to the announced policy to divert parts of the fund to mass transit systems.

The Nebraska share of these impounded funds will reach an estimated $30 million this year. With Nebraska currently receiving only 74 cents back for every dollar our citizens pay into the Federal Highway Trust Fund, and in consideration of the $30 million withheld but legitimately due us, it would be foolhardy and the height of fiscal irresponsibility for Nebraska to now sink further into interest crippling bonded debt as a few vocal special interest groups and irresponsible spenders continue to demand. There seems to be a modern mania advanced by some that bonded debt is the "in" thing. I must remind you that for each dollar of bonded debt Nebraska assumes we must pay back an additional 63 cents because of interest and service charges. That is very expensive deficit financing under any economic manipulations. Please remember that well, as you listen to the pressure groups.

Fault me, as some of you have and will, for resisting bonded debt. At least you know and hopefully appreciate my position.

Let me set the record straight, once again! This state has not lost one penny in Federal Highway Funds because of your Governor's refusal to plunge Nebraska further into bonded debt. Nevertheless, I again specifically request that the Legislature authorize, but not attempt to direct, executive issuance of up to $10 million in additional bonded debt, should some become necessary to finance an unanticipated construction emergency or to meet federal matching requirements.

Before returning to the state budget, there are some additional concerns with regard to the interlacing of federal and state funds that should be reflected upon. I wish to salute the President for finally taking measures to control overall skyrocketing spending. The dramatic steps now being taken, however, indicate lack of long-range fiscal planning. It should be pointed out that the shock treatment methods currently being employed make a mockery of previously announced prodigious programs, such as the commendable water pollution efforts. The yo-yo approach to fiscal management in Washington confounds those of us who attempt businesslike procedures in government.

The much heralded Federal Revenue Sharing Program announced by the President last October apparently turns out to be not additional federal dollars, as billed, but more likely a convenient vehicle for providing less total funding to the states. Since Revenue Sharing was proclaimed by the President from Independence Hall in Philadelphia, there has been a steady withdrawal of federal funds from a host of programs that had been historically federally funded. Until the budget message of the President, we will not know the details of his plans. Suffice to say, let us proceed with caution in our state spending commitments. I can anticipate that the doors of the Capitol Building may be spinning merrily by those who will demand state funding to replace the loss of Federal dollars for a host of projects that will be described as "mandatory."

Let me urge caution before pursuing any massive spending programs, especially where present or anticipated federal funding is involved. This is a time for for careful consideration of priorities. This is a time when pet projects, however laudable, must be reviewed with caution and as they affect the total budget and available revenues.

An important subject that will face this session of your honorable body will be the employment of state tax collections to provide real estate property tax relief. In my budget recommendations, you will find outlined possible plans to employ the majority of Nebraska's share of federal Revenue Sharing for such tax relief.

A committee of distinguished Nebraskans whom I have asked to help develop our administration's plan is considering the specifics which I will present to the Legislature.

Without going into detail at this time, I have the obligation to advise the Legislature that no plan for fair tax equity and equality will have my endorsement unless we level with the people and guarantee real, long-term relief which presupposes a reasonable and effective lid on school expenditures. From my knowledge of the measure being sponsored by the Legislative Committee on the subject, it meets none of the tests that I have outlined and is merely a warmed-over version of such legislation that I successfully vetoed in the last two sessions. They have steadfastly refused to publicly estimate total cost of their plan or give its impact on the sales and income tax rates. I cannot agree to any plan that ignores the interests of or fairness to the rent payers in Nebraska. I have noted with alarm the almost total indifference of legislative proposals regarding these Nebraskans. Rent credits are in effect in the States of Minnesota, Wisconsin, Vermont and California and are proposed in many others, including Colorado and Michigan.

I cannot agree to any bill that commits the state to doubling the state sales and income tax rates. A property tax relief proposal should not require an increase of more than 1 percent in the sales tax and a required matching contribution from the state income tax for total funding of the plan. Let me emphasize again that no tax increase is necessary unless you pass a Property Tax Relief Measure.

The specific budget recommendations that accompany this message outline in detail our suggestions for expenditures in Fiscal 1973-74. Please allow me to comment on some specific areas.

We have a fine University and higher education must continue to receive our monetary support.

The University Budget request to the Board of Regents for fiscal 1973-74 was over $11,000,000 over this year's University expenditures for a proposed total of $106,500,000. The Regents took action that reduced the requested increase by $2,400,000. We have, after careful review and consideration, reduced the request an additional $2,700,000 and are recommending a total budget of $101,300,000, including General Fund authorizations of $50,800,000. That represents total funds net increase of 6.2% over last year's legislative funding approval for the University system, but is half of their original requested increase.

Our four state colleges have experienced rather substantial drops in both enrollment and credit hours taught from 12 to 14% respectively. In view of this, I am recommending an approximate 3.5% reduction from last year's total authorizations for the colleges.

Nebraska is nationally recognized for our overall leadership in mentally retarded programs. In community based programs, which we have expanded rapidly the past two years, we surely are among the state leaders. Using a combination of matching local, state, and federal funds, we have gone from $2 million in fiscal 1970-71, doubled to $4 million in 1971-72, and doubled once again to $8 million during the current fiscal period.

Our budget recommendations for such programs call for a further 20% increase in state general fund contribution, raising from the current $1 million to $1,200,000 for fiscal 1973-74. Provided local and federal support continue to increase percentage wise as in the past, we could envision an expansion of some $1,600,000 or up to a total of $9,600,000 for our fine community base facilities for 1973-74.

While we have made significant progress in the treatment and training of the generally more severely retarded programs at the Beatrice State Home, including reduction of population from 2,200 to 1,300 residents in the last few years, we have not made what I feel to be enough advancement in professional staff and certainly no Nebraskan can be proud of the general living conditions in old buildings without facilities for normalization in living patterns or air conditioning.

We are therefore recommending, to assure a balanced program for all our mentally retarded, the beginning of a plan for modernization of the Beatrice facility which we hope will eventually be further reduced to a population of approximately 600 to 800 as the community based programs continue to expand. This program calls for general fund expenditures of $2,150,000 for 1973-74, and projected possible further improvements of an additional four million in succeeding years.

It is our suggestion that we continue the administration's plan for gradual decentralization of the state's mental health services. We envision more localized state financed facilities stressing out-patient type clinics where practical and dedication to even better professional treatment.

The total budgets for the Regional Centers should remain approximately the same as last year but due to declining number of patients, the net result is that we will still be providing more dollar care behind each resident.

The Department of Institutions is carrying on an aggressive program for recruitment of more professional staff in all state facilities.

In regard to our correctional programs, we are in the process at this time of upgrading facilities at the outstate institutions at York, Geneva and Kearney.

During the past two years much progress has been made in the areas of community based treatment. I refer to work release, educational release, as well as furlough programs. Our Parole System has been upgraded. Today we have more inmates under parole supervision than we have in-house at our institutions. In addition, we have rapidly expanded our educational programs, basic skill training, and vocational rehabilitation program. These improved services are in line with recommendations of national penal organizations.

In the broad area of the Penal Reform Study, no one denies the need for upgrading the existing facilities at the penal complex and the reformatory. I shall provide you my suggestions on this subject at a later date.

During 1972 we were able to reduce the previous year's record death toll on our highways by seven even during further increases in our gross traffic volumes and miles traveled. In my opinion, this was accomplished only by a concentrated traffic safety effort primarily promoted by the news media which resulted in public awareness and better driving habits. In October, during the first days of Super Safety Day, we were 27 deaths ahead of 1971 record breaker pace. We were able to reduce this figure by some 35 between late October and December 31. We have much more to do. I suggest that the Legislature review irrefutable statistics that show an increase of 63% over the previous year in fatalities on roads affected when the night-time speed limit was increased from 60 to 65 MPH in 1971. I ask again that you pass legislation to reduce this night-time speed limit back to 60 MPH on such roads. I further request that you enact measures which would make mandatory revocation of driver's licenses for 30 days for anyone convicted of driving under the influence of alcoholic beverages or drugs, and enact other "Get Tough" legislation for better highway safety that will recommend in the form of bills. Among them will be mandatory blood testing for all drivers and pedestrians involved in fatalities, 30 day automatic loss of license for speeding in excess of 15 MPH in areas posted for 60 MPH or more, a habitual traffic offender statute, and mandatory reporting of all convictions for driving while intoxicated.

The needs of Nebraska's older persons are many and varied. However, a most especially pressing need. . .about which comparatively little is presently being done. . .is that for the services and assistance which will make it possible for the elderly to continue to lead independent lives in their own homes. To this end I have charged a task force of state administrators to help coordinate our efforts.

In our mobile society, much of the assistance which families formerly provided to parents and grandparents is just not possible. It is for this reason that state government intends to play an active and aggressive role in a federal-state-local partnership designed to make available at the local level such services as Homemaker Assistance, Specialized Transportation Services, Home Handyman Services, Home Health Care, and Special Group

Dining and In-Home Nutrition Services tailored to the needs of the elderly.

State agencies, such as the Commission on Aging, can do much to assist local communities and organizations to initiate such services, but local imagination, effort, and resources will also be required. I call on local leadership, therefore, to inventory their communities, their resources and the needs of their elderly population, and to begin to plan with us those undertakings which can make life more satisfying for our senior citizens.

You will note further expansion of Nebraska's top flight State Patrol and its important duties of not only highway safety but criminal and drug investigation efforts. We are suggesting an increase in State Patrol strength by 24 including necessary equipment to support same.

During recent months several cases of severe hardship have come to my attention, because families did not qualify for the Crippled Children Program or other welfare categorical programs. These cases usually involve the families of children suffering from conditions not currently covered and so expensive that they create a catastrophic situation for the family. In most instances a working father would be better off financially to quit work and thereby qualify for a host of welfare benefits.

I recommend that a fund of $100,000 be set up to assist the counties in matching their funds in order to secure federal emergency assistance to help in such situations. This appropriation could result in $100,000 county funds, $100,000 state funds and $200,000 federal funds for a total $400,000 fund for the purpose. Rules and regulations would be set up to handle such cases by the Department of Public Welfare working in conjunction with the counties.

It is time that we face squarely and fairly an equitable Election Reform Bill in Nebraska. The expenditures of funds to seek elective office is becoming prohibitive. We all recognize some elections may be "bought". This is not right, so let's do something about it. Recognizing that this is an issue that is given great lip service, but little action, I will again present the Legislature a bill that I hope will be a basis for necessary corrective and constructive legislation, with enforcement teeth to make it meaningful.

Once again I call for the elimination of the so-called "Wyoming Clause" from the State Environmental Protection Act.

There has now been enough experience in other States with No-Fault Automobile Liability Insurance and I urge passage of a workable measure this session in hopes of reducing insurance costs to Nebraskans.

For many years we have struggled with the matter of the forced sale of school lands. I believe existing legislation not to be in the best long-range interests of the School Trust Fund and the future educational opportunities of Nebraska's school children. Because of my direction such sales are currently prevented by the courts. I respectively urge your consideration in changing present statutes.

Capital Punishment for certain types of murders will again receive my active support. I would anticipate that the sentiment for passage of such legislation is favorable. We must be cautious and seek expert legal approval of any measure passed as it will undoubtedly have to meet the constitutional test of the U.S. Supreme Court.

Governor Nelson Rockefeller of New York has had great experience in drug related problems. We should at least listen to his advice. He has recently conceded that one billion dollars have been wasted in New York with a host of popularly sold programs that have not been successful. Here is what the Governor said on January 3 to the New York Legislature:

"We have this choice:

Either we can go on as we have been, with little real hope of changing the present trend; or we must take those stern measures that, I have become convinced, common sense demands.

We must create an effective deterrent to the pushing of the broad spectrum of hard drugs.

In my opinion, society has no alternatives."

Many drug pushers are a far worse threat to our society than most murders.

I suggest that the Legislature enact tougher mandatory long-term sentences for convicted hard drug criminal profiteers. For their favorite victims, the user turned pusher to support his enslavement, we should provide more incentives for voluntary rehabilitation and if refused we should provide prisons terms with good time only for cooperation with enforcement officials for prosecution of the professionals.

One of our problems, I believe, is that we spend too much time pampering and protecting those "Hooked Pushers" and not enough caring about their young victims of tomorrow and the next day . . .and it happens right here in Nebraska every day.

In closing, I assure you the cooperation of my office and all the code Departments of the Executive Branch. I repeat, especially for the information of you new Senators, that we have a "Wide Open Door Policy" in the Governor's Office.

There will be differences as each of us view our responsibilities and obligations to the citizens of our Great State. Effective communication between the Legislature and the Executive can minimize misunderstandings.

Two years ago we set upon a goal to unify Nebraska for the common good. I feel that great strides have been made and that working together we can keep and improve upon that worthy objective.

With God's help and blessing then, which we seek and so desperately need, let us continue to work together to further develop "Nebraska–The Good Life."

The Committee escorted the Governor from the Chamber.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 256. By Proud, 12th District, Speaker; At the Request of the Governor.

A BILL FOR AN ACT making appropriations and reqppropriations for the state government for the period of July 1, 1973 to June 30, 1974, for construction, repair, and improvement of state buildings and land acquisition as prescribed; to define terms; to recite limits and conditions on the expenditure of funds; and to declare an emergency.

LEGISLATIVE BILL 257. By Proud, 12th District, Speaker; At the Request of the Governor.

A BILL FOR AN ACT to provide for the payment of the salaries of the officers of the Nebraska state government and payments to be made as provided by Chapter 68, article 6, Reissue Revised Statutes of Nebraska, 1943, for the year ending June 30, 1974; to provide for the payment thereof; and to declare an emergency.

LEGISLATIVE BILL 258. By Proud, 12th District, Speaker; At the Request of the Governor.

A BILL FOR AN ACT to provide for the payment of the salaries of members of the Nebraska State Legislature, and payments to be made as provided by Chapter 68, article 6, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, for the period of July 1, 1973 to June 30, 1974; to appropriate the sum of two hundred forty-eight thousand nine hundred sixty-nine dollars therefor; and to declare and emergency.

LEGISLATIVE BILL 259. By Proud, 12th District, Speaker; At the Request of the Governor.

A BILL FOR AN ACT making appropriations for the state government for the period July 1, 1973 to June 30, 1974; to recite limits and conditions on the expenditure of funds from the appropriations so made; and to declare an emergency.

LEGISLATIVE BILL 260. By Cavanaugh, 9th District.

A BILL FOR AN ACT to amend sections 48-212 and 48-213, Reissue Revised Statutes of Nebraska, 1943, relating to employment regulations; to change provisions relating to employees' lunch hour requirements as prescribed; to change the exceptions; to change provisions regarding penalties; and to repeal the original sections.

LEGISLATIVE BILL 261. By Schmit, 23rd District.

A BILL FOR AN ACT to amend section 28-4,125, Revised Statutes Supplement, 1972, relating to controlled substances; to provide mandatory life sentences for specified convictions; and to repeal the original section.

ADJOURNMENT

Mr. Stromer moved to adjourn until 10:00 a.m., Tuesday, January 23, 1973. The motion failed.

At 11:49 a.m., on a motion by Mr. Stromer, the Legislature adjourned until 10:00 a.m., Monday, January 22, 1973.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

TWELFTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 22, 1973

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Proud presiding.

PRAYER

Prayer was offered by the Chaplain.

> We acknowledge a creative and redemptive Power in events beyond our own; We seek forgiveness for whatever of our past that never should have been; We ask strength for whatever of the present is as it should be; We desire guidance toward those hopes for the future which conform to the Creator's design.
>
> O Lord our God: Forgive us, strengthen us, guide us for our own sake, and for the sake of the people we here represent. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Carpenter, Luedtke, Kennedy, Fellman, R. Lewis, Skarda and Warner who were excused; Messrs. Snyder and Syas who were excused until 10:15; and Messrs. Cavanaugh and F. Lewis who were excused until 10:30; and Mr. Chambers who was excused until 11:30.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eleventh Day was approved.

NOTICE OF COMMITTEE HEARING
Miscellaneous Subjects

LB 27	Thursday, February 1, 1973	2:00 p.m.
LB 77	Thursday, February 1, 1973	2:00 p.m.
LB 131	Thursday, February 1, 1973	2:00 p.m.
LB 203	Thursday, February 1, 1973	2:00 p.m.

(Signed) J. James Waldron, Chairman

REFERENCE COMMITTEE REPORT

LB	Committee
247	Banking, Commerce and Insurance
248	Education
249	Banking, Commerce and Insurance
250	Nebraska Retirement Systems
251	Education
252	Education
253	General File
254	Agriculture and Environment
255	Constitutional Revision and Recreation
256	Appropriations
257	Appropriations
258	Appropriations
259	Appropriations
260	Labor
261	Public Health and Welfare
194	Re-referred from Urban Affairs Committee to Agriculture and Environment Committee
149	Re-referred from Miscellaneous Subjects Committee to Agriculture and Environment Committee

(Signed) Eugene Mahoney, Vice-Chairman

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 15. Placed on Select File as amended. Enrollment and Review amendment to LB 15:

1. In the title, strike beginning with "change" in line 4 through "purposes" in line 5, and insert "increase the homestead exemption".

LEGISLATIVE BILL 16. Placed on Select File as amended. Enrollment and Review amendments to LB 16:

1. In lieu of the Carpenter amendment, on page 2, line 25, strike "two" and insert "~~two~~ fifteen".
2. On page 3, line 2, strike the first comma and show the same as stricken.

(Signed) John J. Cavanaugh, Chairman

STANDING COMMITTEE REPORT
Labor

LEGISLATIVE BILL 99. Placed on General File.

(Signed) Richard Maresh, Chairman

MOTION—Daily Nebraskan

Mr. Fowler moved to have copies of the Daily Nebraskan, the UNL Campus Newspaper be placed on every senator's desk without being initialed every time it comes out. The motion prevailed.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 262. By Barnett, 26th District.

A BILL FOR AN ACT to amend section 48-1002, Revised Statutes Supplement, 1972, relating to Unjust Discrimination in Employment Act; to redefine terms; and to repeal the original section.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 2.

A BILL FOR AN ACT to amend section 48-434, Revised Statutes Supplement, 1972, relating to health and safety regulations; to remove the provisions for justice of the peace, police magistrate, or other magistrate; and to repeal the original section.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Anderson	Barnett	Burbach	C. Carsten	F. Carstens
Clark	DeCamp	Dickinson	Epke	Fowler
Goodrich	Hasebroock	Kelly	Keyes	Kime
Kremer	Mahoney	Maresh	Marsh	Marvel
Moylan	Murphy	Nore	Proud	Rasmussen
Richendifer	Savage	Schmit	Simpson	Stahmer
Stromer	Stull	Waldron	Whitney	Wiltse

Voting in the negative, 0.

Not voting, 14:

Carpenter
Cavanaugh
Chambers
Duis
Fellman
Johnson
Kennedy
F. Lewis
R. Lewis
Luedtke
Skarda
Snyder
Syas
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 3.

A BILL FOR AN ACT to repeal sections 45-401 to 45-407, Reissue Revised Statutes of Nebraska, 1943, relating to interest.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 32:

Anderson
Barnett
Burbach
F. Carstens
Clark
DeCamp
Dickinson
Epke
Fowler
Goodrich
Hasebroock
Kelly
Keyes
Kremer
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Stahmer
Stromer
Stull
Waldron
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 17:

Carpenter
C. Carsten
Cavanaugh
Chambers
Duis
Fellman
Johnson
Kennedy
Kime
F. Lewis
R. Lewis
Luedtke
Nore
Skarda
Snyder
Syas
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT – Member Excused

Mr. Burbach asked unanimous consent to be excused until noon, today. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 4.

A BILL FOR AN ACT to amend sections 60-419 and 60-427, Revised Statutes Supplement, 1972, relating to motor vehicles; to remove the provisions for proceedings before magistrates as prescribed; and to repeal the original sections.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 33:

Anderson	Barnett	C. Carsten	F. Carstens	Clark
DeCamp	Dickinson	Duis	Epke	Fowler
Goodrich	Hasebroock	Kelly	Kime	Kremer
Mahoney	Maresh	Marsh	Marvel	Moylan
Murphy	Nore	Proud	Rasmussen	Richendifer
Savage	Schmit	Simpson	Stahmer	Stromer
Stull	Whitney	Wiltse		

Voting in the negative, 0.

Not voting, 16:

Burbach	Carpenter	Cavanaugh	Chambers	Fellman
Johnson	Kennedy	Keyes	F. Lewis	R. Lewis
Luedtke	Skarda	Snyder	Syas	Waldron
Warner				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 6. With emergency.

A BILL FOR AN ACT to amend sections 24-536 and 29-611, Revised Statutes Supplement, 1972, relating to courts; to provide for the number of persons on juries in municipal court; to delete an erroneous reference; to repeal the original sections; and to declare an emergency.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 36:

Anderson
Barnett
C. Carsten
F. Carstens
Clark
DeCamp
Dickinson
Duis
Epke
Fowler
Goodrich
Hasebroock
Kelly
Keyes
Kime
Kremer
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Nore
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Snyder
Stahmer
Stromer
Stull
Syas
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 13:

Burbach
Carpenter
Cavanaugh
Chambers
Fellman
Johnson
Kennedy
F. Lewis
R. Lewis
Luedtke
Skarda
Waldron
Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 79.

A BILL FOR AN ACT to amend section 50-313, Revised Statutes Supplement, 1972, relating to lobbying; to change the period for which a certificate is valid; to repeal the original section, and also section 50-312, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

C. Carsten
F. Carstens
Clark
DeCamp
Dickinson
Duis
Epke
Fowler
Goodrich
Hasebroock
Kelly
Keyes
Kime
Kremer
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Whitney
Wiltse

Voting in the negative, 1:

Barnett

Not voting, 14:

Anderson Burbach Carpenter Cavanaugh Chambers
Fellman Johnson Kennedy F. Lewis R. Lewis
Luedtke Nore Skarda Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 80.

A BILL FOR AN ACT to amend section 81-116, Reissue Revised Statutes of Nebraska, 1943, relating to the state administrative department; to provide the Executive Board of the Legislative Council with discretionary power; and to repeal the original section.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Anderson Barnett C. Carsten F. Carstens Clark
DeCamp Dickinson Duis Epke Fowler
Goodrich Hasebroock Kelly Keyes Kime
Kremer Mahoney Maresh Marsh Marvel
Moylan Murphy Nore Proud Rasmussen
Richendifer Savage Schmit Simpson Snyder
Stahmer Stromer Stull Syas Waldron
Whitney Wiltse

Voting in the negative, 0.

Not voting, 12:

Burbach Carpenter Cavanaugh Chambers Fellman
Johnson Kennedy F. Lewis R. Lewis Luedtke
Skarda Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 81.

A BILL FOR AN ACT to amend section 50-503, Reissue Revised Statutes of Nebraska, 1943, relating to legislative emergency succession; to correct the succession of presiding officers; and to repeal the original section.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Anderson	Barnett	C. Carsten	F. Carstens	Clark
DeCamp	Dickinson	Duis	Epke	Fowler
Goodrich	Hasebroock	Kelly	Keyes	Kime
Kremer	Mahoney	Maresh	Marsh	Marvel
Moylan	Murphy	Nore	Proud	Rasmussen
Richendifer	Savage	Schmit	Simpson	Snyder
Stahmer	Stromer	Stull	Syas	Waldron
Whitney	Wiltse			

Voting in the negative, 0.

Not voting, 12:

Burbach	Carpenter	Cavanaugh	Chambers	Fellman
Johnson	Kennedy	F. Lewis	R. Lewis	Luedtke
Skarda	Warner			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 83.

A BILL FOR AN ACT to amend section 49-509, Revised Statutes Supplement, 1972, relating to publication and distribution of session laws; to change time for sale; and to repeal the original section.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Anderson	Barnett	C. Carsten	F. Carstens	Clark
DeCamp	Dickinson	Duis	Epke	Fowler
Goodrich	Hasebroock	Kelly	Keyes	Kime
Kremer	Mahoney	Maresh	Marsh	Marvel
Moylan	Murphy	Nore	Proud	Rasmussen
Richendifer	Savage	Schmit	Simpson	Snyder
Stahmer	Stromer	Stull	Syas	Waldron
Whitney	Wiltse			

Voting in the negative, 0.

Not voting, 12:

Burbach Carpenter Cavanaugh Chambers Fellman
Johnson Kennedy F. Lewis R. Lewis Luedtke
Skarda Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

ANNOUNCEMENT

Mr. Duis announced the Rules Committee meeting set for today would be held on January 29 at 1:30 p.m. in the Legislative Council Hearing Room.

SELECT FILE

LEGISLATIVE BILL 204. Bracketed until January 29 at the request of Mr. Snyder.

Mr. Snyder asked unanimous consent to have the following amendments of Mr. Carpenter to LB 204 be printed in the Journal. No objections. So ordered.

Strike all of existing LB 204:

Section 1. The Legislature finds: (1) That it is necessary to provide the citizens of this state with greater and more convenient access to the processes of government, especially the legislative processes, in order that the citizen may more effectively carry out his constitutional right to petition the government; and, (2) that it is necessary to expand the scope of the work of the Legislative Council so that it can in a more comprehensive manner carry out its statutory duty to collect information concerning the government and general welfare of the state, to examine the effects of previously enacted statutes and recommend amendments thereto, and to gather information for committees of the Legislature and the Legislative Council.

Section 2. In order to carry out the provisions of Section 1, the Executive Board of the Legislative Council may, and at the direction of the Legislature or of the Legislative Council shall, establish not to exceed one office in each legislative district. For that purpose the Executive Board is authorized to lease such space as may be necessary, and may employ or otherwise contract for the services of necessary additional personnel, subject to the proviso contained in section 50-403. No additional space so acquired shall be leased or rented from a member of the Legislature, nor located in premises owned or controlled by such member; Provided, that any member of the Legislature may utilize such space and the services of personnel located therein, but solely for the purpose of carrying on his duties as a member of the Legislature and as a member of the Legislative Council, and not for the purpose of furthering his own private business or policital interests.

NOTICE OF COMMITTEE HEARING

Judiciary

LB 127	Tuesday, January 30, 1973	2:00 p.m.
LB 157	Tuesday, January 30, 1973	2:00 p.m.
LB 184	Tuesday, January 30, 1973	2:00 p.m.
LB 227	Tuesday, January 30, 1973	2:00 p.m.
LB 159	Wednesday, January 31, 1973	2:00 p.m.
LB 191	Wednesday, January 31, 1973	2:00 p.m.
LB 192	Wednesday, January 31, 1973	2:00 p.m.
LB 226	Wednesday, January 31, 1973	2:00 p.m.

(Signed) Roland Luedtke, Chairman

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 263. By Interim Study Committee on Agriculture: Schmit, 23rd District, Chairman; Kremer, 34th District; Kime, 43rd District; DeCamp, 40th District; Epke, 24th District; Keyes, 3rd District.

A BILL FOR AN ACT to amend section 81-2,147.03, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Seed Law; to provide for unlawful acts; and to repeal the original section.

GENERAL FILE

LEGISLATIVE BILL 10. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 2 nays and 19 not voting.

LEGISLATIVE BILL 141. Title read. Considered.

Standing Committee amendments found in the Journal on page 169 for the Tenth Day were adopted.

Advanced to E & R for Review with 30 ayes, 2 nays and 17 not voting.

UNANIMOUS CONSENT—LB 224

Mr. Snyder objected to LB 224 being on General File and requested it be sent to a Committee for public hearing. The Chair so ordered.

GENERAL FILE

LEGISLATIVE BILL 253. Title read. Considered.

Mr. Schmit offered the following amendment:

Strike the new matter ($18,480) in line 10, page 3 and reinsert the old matter ($9,240).

The amendment was adopted with 24 ayes, 4 nays and 21 not voting.

Advanced to E & R for Review with 34 ayes, 0 nays and 15 not voting.

VISITORS

Speaker Proud introduced 25 Fifth and Sixth Grade Students from Randolph School, Lincoln and teachers Mmes. Thompson and Schmalken.

ADJOURNMENT

At 12:04 p.m., on a motion by Mr. Hasebroock, the Legislature adjourned until 10:00 a.m., Tuesday, January 23, 1973.

Vincent D. Brown
Clerk of the Legislature

THIRTEENTH DAY–JANUARY 23, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

THIRTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 23, 1973

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Proud presiding.

PRAYER

The Chaplain offered a memorial prayer in tribute to former President Lyndon B. Johnson.

ROLL CALL

The roll was called and all members were present except Messrs. Carpenter, Chambers, Kennedy, and Luedtke who were excused and Mr. Fellman who was excused for a short time.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twelfth Day was adopted.

ANNOUNCEMENT

Mr. Whitney announced that there would be a Committee on Committees hearing at 1:00 p.m. today, in Room 2102, to consider the appointments of:

Herman Brockmeier, State Personnel Board
David Flebbe, State Personnel Board
Edward M. Rowley, Board of Parole

CORRECTION OF REFERENCE COMMITTEE REPORT

LB 236	Should read Nebraska Retirement Systems Committee rather than Government, Military and Veteran's Affairs Committee.

(Signed) Terry Carpenter, Chairman

NOTICE OF COMMITTEE HEARING

Miscellaneous Subjects

The following bills have been added to the list of bills to be heard on February 1, 1973.

LB 37	Thursday, February 1, 1973	2:00 p.m.
LB 231	Thursday, February 1, 1973	2:00 p.m.

(Signed) J. James Waldron, Chairman

SELECT COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 140. Placed on Select File as amended.
E & R amendment to LB 140:
1. On page 2, strike the sentence beginning in line 12 and show all the old matter as stricken.

LEGISLATIVE BILL 56. Placed on Select File as amended.
E & R amendment to LB 56:
1. In the title, line 5, strike "restrict" and insert "remove a restriction on".

LEGISLATIVE BILL 142. Placed on Select File as amended.
E & R amendment to LB 142:
1. In the title, line 5, strike "shall" and insert "may".

LEGISLATIVE BILL 143. Placed on Select File.

The following bills were correctly enrolled:

2 3 4 6 79
80 81 83

(Signed) John Cavanaugh, Chairman

SPEAKER SIGNS

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 2, 3, 4, 6, 79, 80, 81, and 83.

RESOLUTIONS

LEGISLATIVE RESOLUTION 10.

Introduced by: Duis, 39th District; Marvel, 33rd District; Syas, 13th District; Carpenter, 48th District.

WHEREAS, Hugh Carson, born in Ord, Nebraska, on September 29, 1898, and died January 12, 1973. He attended Ord and Omaha public schools and the University of Nebraska. He served in the Navy during World War I. He was interested in 4-H Club work, and was a Purebred Hereford cattle and Hampshire swine breeder. He served in the 1949, 1951 and 1953 Legislature. He is survived by his widow, Tamar, two sons, Jack and Robert, and several grandchildren.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extend its sympathy to the survivors of Hugh Carson.
2. That the Legislature wishes to recognize the valuable contributions made to the community in which he resided, and to the State of Nebraska. He will be long remembered for his untiring interest in the promotion and development of affairs to make Nebraska a better place to live.
3. That a copy of this resolution be sent to his widow as a mark of respect for his services to his community and the State of Nebraska.
4. That the Legislature stand for a moment of silent tribute to his memory.

Mr. Duis moved to suspend the Rules and adopt LR 10 at this time. The motion prevailed with 35 ayes, 0 nays and 14 not voting.

The members stood for a moment of silence.

UNANIMOUS CONSENT—Member Excused

Mr. Wiltse asked unanimous consent to be excused Wednesday, January 24. No objections. So ordered.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 264. By Fowler, 27th District.

A BILL FOR AN ACT to amend section 79-1416, Reissue Revised Statutes of Nebraska, 1943, relating to adult immigrant education; to qualify students as prescribed for a high school diploma or certificate of high school equivalency; and to repeal the original section.

LEGISLATIVE BILL 265. By Fowler, 27th District.

A BILL FOR AN ACT to amend section 48-1118, Reissue Revised Statutes of Nebraska, 1943, and section 48-1102, Revised Statutes Supplement, 1972, relating to fair employment practices; to redefine employer; to provide a time for notice of charge; and to repeal the original sections.

LEGISLATIVE BILL 266. By Snyder, 14th District.

A BILL FOR AN ACT to amend sections 48-1101, 48-1104, 48-1105, 48-1106, 48-1107, 48-1108, 48-1111, 48-1113, 48-1115, 48-1117, 48-1119, 48-1122, and 48-1124, Reissue Revised Statutes, 1943, and section 48-1102, Revised Statutes Supplement, 1972, relating to the Nebraska Fair Employment Practice Act; to include disabled persons in the Nebraska Fair Employment Practice Act as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 267. By Warner, 25th District.

A BILL FOR AN ACT relating to elections; to adopt the Corrupt Practices Act; to provide penalties; and to repeal Chapter 32, article 11, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 268. By Rasmussen, 41st District.

A BILL FOR AN ACT to amend sections 28-401 and 28-417, Revised Statutes Supplement, 1972, relating to crimes and punishments; to recite a statement of intent; to redefine murder in the first degree; to redefine kidnapping; to establish a procedure for determination of the death penalty; to state a severability clause; and to repeal the original sections.

LEGISLATIVE BILL 269. By Maresh, 32nd District.

A BILL FOR AN ACT to amend section 39-7,127, Reissue Revised Statutes of Nebraska, 1943, relating to highways; to provide additional penalties for speeding as prescribed; and to repeal the original section.

LEGISLATIVE BILL 270. By Simpson, 46th District.

A BILL FOR AN ACT to amend section 48-224, Reissue Revised Statutes of Nebraska, 1943, relating to labor; to provide for withholding from wages as prescribed; and to repeal the original section.

LEGISLATIVE BILL 271. By Interim Committee on Housing: Simpson, 46th District, Chairman.

A BILL FOR AN ACT relating to public health and welfare; to establish a state housing development authority; to define terms; to create such an authority; and to provide for its powers and duties.

LEGISLATIVE BILL 272. By Interim Committee on Housing: Simpson, 46th District, Chairman.

A BILL FOR AN ACT to amend section 81-1204, Revised Statutes Supplement, 1972, relating to state administrative departments; to require housing studies by the Department of Economic Development as prescribed; and to repeal the original section.

LEGISLATIVE BILL 273. By Interim Committee on Housing: Simpson, 46th District, Chairman.

A BILL FOR AN ACT to amend sections 71-1524 and 71-1525, Reissue Revised Statutes of Nebraska, 1943, relating to housing; to provide that tenants of a housing authority may serve as commissioners of the housing authority; to provide the manner in which tenants are appointed to serve as commissioners; and to repeal the original sections.

LEGISLATIVE BILL 274. By Interim Committee on Housing: Simpson, 46th District, Chairman.

A BILL FOR AN ACT relating to state administrative departments; to create a commission to propose a building code as prescribed; and to declare an emergency.

LEGISLATIVE BILL 275. By Stahmer, 8th District; Fowler, 27th District.

A BILL FOR AN ACT to amend section 85-107, Revised Statutes Supplement, 1972, relating to the University of Nebraska; to provide for colleges; and to repeal the original section.

STANDING COMMITTEE REPORT
Constitutional Revision and Recreation

LEGISLATIVE BILL 85. Indefinitely postponed.

LEGISLATIVE BILL 9. Placed on General File.

(Signed) George Syas, Chairman

SELECT FILE

LEGISLATIVE BILL 15. E & R amendment found in the Journal on page 189 for the Twelfth Day was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 16. E & R amendments found in the Journal on page 189 for the Twelfth Day were adopted.

Advanced to E & R for engrossment.

UNANIMOUS CONSENT—Withdraw Bills

Mr. F. Lewis asked unanimous consent to withdraw LB 211. Laid over.

Mr. Cavanaugh asked unanimous consent to withdraw LB 209. Laid over.

Mr. Fellman asked unanimous consent to withdraw LB 208. Laid over.

GENERAL FILE

LEGISLATIVE BILL 99. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays and 19 not voting.

ANNOUNCEMENT

The Clerk announced the Reference Committee would meet immediately upon adjournment in the Legislative Council Hearing Room.

NOTICE OF COMMITTEE HEARING
Banking, Commerce and Insurance

LB 158	Tuesday, January 30, 1973	2:00 p.m.
LB 181	Tuesday, January 30, 1973	2:00 p.m.
LB 247	Tuesday, January 30, 1973	2:00 p.m.
LB 234	Tuesday, January 30, 1973	2:00 p.m.
LB 249	Tuesday, January 30, 1973	2:00 p.m.
LB 165 (reset)	Tuesday, January 30, 1973	2:00 p.m.

(Signed) Fred W. Carstens, Chairman

STANDING COMMITTEE REPORTS
Agriculture and Environment

LEGISLATIVE RESOLUTION 6. Placed on General File.

(Signed) Loran Schmit, Chairman

Public Works

LEGISLATIVE BILL 47. Placed on General File.

LEGISLATIVE BILL 49. Placed on General File as amended.
Standing Committee amendment to LB 49:
Add the emergency clause.

LEGISLATIVE BILL 54. Placed on General File as amended.
Standing Committee amendment to LB 54:
On page 4 strike lines 12 through 15 and insert the following:

(14) Motor vehicles owned and operated by a nonprofit organization which has been exempted from the payment of federal income taxes, as provided by section 501 (c) (4), Internal Revenue Code of 1954, transporting solely those persons over age sixty, those persons who are spouses and dependents of persons over age sixty, and the handicapped from areas without public transportation.

LEGISLATIVE BILL 128. Placed on General File as amended.
Standing Committee amendments to LB 128:

1. On page 2 line 2 strike "limited, special" and insert "farm husbandry"; line 3 strike "after" and insert "as of"; line 4 strike "affixed thereto"; line 13 strike "," and insert "and"; and line 14 strike "and affixing".
2. On page 3 lines 4 to 7 strike all the new matter.
3. On page 6 line 19 strike the period and after "permit" in lines 19 to 24 reinstate the previously stricken matter.
4. On page 7 line 25 strike "one dollar" and insert "two dollars".
5. On pages 8 and 9 strike section 7 and insert the following:

"Sec. 7. This act shall become operative on the first day of January, 2 1974.".

(Signed) Maurice A. Kremer, Chairman

VISITORS

Speaker Proud introduced 75 Japanese Agricultural Trainees who are attending a 3 month course in Animal Science at the University of Nebraska – East Campus. They were accompanied by Mr. John Lesmeister, Instructor, Animal Science Department of the University of Nebraska.

ADJOURNMENT

At 10:41 a.m., on a motion by Mr. Syas, the Legislature adjourned until 10:00 a.m., Wednesday, January 24, 1973.

Vincent D. Brown
Clerk of the Legislature

FOURTEENTH DAY—JANUARY 24, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

FOURTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 24, 1973

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Proud presiding.

PRAYER

The Chaplain announced the cease fire of the Vietnam war as proclaimed by the President. He offered a prayer of peace and memorial of those who served in the war.

ROLL CALL

The roll was called and all members were present except Messrs. Carpenter, Chambers, Luedtke, Nore and Wiltse who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirteenth Day was approved.

NOTICE OF COMMITTEE HEARINGS

Constitutional Revision and Recreation

LB 242	Thursday, February 8, 1973	2:00 p.m.
LB 255	Thursday, February 8, 1973	2:00 p.m.

(Signed) George Syas, Chairman

Government, Military & Veteran's Affairs

LB 220	Thursday, February 1, 1973	2:00 p.m.
LB 244	Thursday, February 1, 1973	2:00 p.m.
LB 233	Friday, February 2, 1973	2:00 p.m.

(Signed) Ernie Chambers, Chairman

Agriculture & Environment

LB 107	Thursday, February 1, 1973	2:00 p.m.
LB 108	Thursday, February 1, 1973	2:00 p.m.
LB 133	Thursday, February 1, 1973	2:00 p.m.
LB 175	Thursday, February 1, 1973	2:00 p.m.
LB 178	Thursday, February 1, 1973	2:00 p.m.

(Signed) Loran Schmit, Chairman

REFERENCE COMMITTEE REPORT

LB	Committee
262	Labor
263	Agriculture and Environment
224	Miscellaneous Subjects
264	Education
265	Labor
266	Labor
267	Government, Military and Veteran's Affairs
268	Judiciary
269	Public Works
270	Labor
271	Public Health and Welfare
272	Government, Military and Veteran's Affairs
273	Urban Affairs
274	Government, Military and Veteran's Affairs
275	Education

(Signed) Eugene T. Mahoney, Vice-Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on January 23, 1973, at 2:15 p.m.: 2, 3, 4, 6, 79, 80, 81 and 83.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 10. Placed on Select File as amended.
E & R amendments to LB 10:

1. On page 2, lines 1 and 2, and line 24, and in the title, lines 2 and 3, strike "Revised Statutes Supplement, 1972" and insert "Reissue Revised Statutes

of Nebraska, 1943".

2. In the title, strike line 5 and insert "districts; and to".

LEGISLATIVE BILL 141. Placed on Select File as amended.
E & R amendments to LB 141:

1. In new section 2, line 8, strike "prepared" and insert "prepaid" as in the statutes; and in line 20, strike the second "of" and insert "or" as in the statutes.

2. In the title, line 2, strike "section 8-815" and insert "sections 8-815 and 8-823"; and in line 7, strike "section " and insert "sections".

LEGISLATIVE BILL 253. Placed on Select File as amended.
E & R amendments to LB 253:

1. The amendatory material having been removed therefrom, strike section 1 and renumber original sections 2 to 11 as sections 1 to 10.
2. On page 16, line 18, strike "2,".
3. In the title, line 2, strike "2,".

Correctly Engrossed

The following bills were correctly engrossed: 15 and 16.

(Signed) John J. Cavanaugh, Chairman

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 93. Placed on General File as amended.
Standing Committee amendment to LB 93:

1. A new section 1 to read as follows:

"Section 1. That section 21-1519, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

21-1519. The funds of any corporation subject to the provisions of sections 21-1509 to 21-1522 shall be invested only in securities permitted by the law of this state for the investment of assets of ~~life~~ fire insurance companies; Provided, that a corporation shall not invest an amount in excess of twenty-five per cent of its assets in the shares of capital stock of corporations set forth in section 44-309.01; and provided further, that the investments provided for in section 44-309 (11) shall not be considered under the limitations of investments as set forth in this section.".

(Signed) Fred W. Carstens, Chairman

ANNOUNCEMENT

Mr. Richendifer announced that a caucus of the first term and freshmen senators will be held in the Senators' Lounge following today's adjournment.

FINAL READING

The following bills were read and put upon final passage.

LEGISLATIVE BILL 1. With Emergency.

A BILL FOR AN ACT relating to the statutes; to authorize the Revisor of Statutes to reissue and bring up to date the Revised Statutes of Nebraska, 1943; to provide for the sale and distribution of the reissued volumes; to amend sections 49-617 and 49-706, Revised Statutes Supplement, 1972; to change the distribution of statutes; to transfer authority to the Executive Board of the Legislative Council; to repeal the original sections; and to declare an emergency.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Anderson
Barnett
Burbach
C. Carsten
F. Carstens
Cavanaugh
Clark
DeCamp
Dickinson
Duis
Epke
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kremer
F. Lewis
R. Lewis
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney

Voting in the negative, 0.

Not voting, 6:

Carpenter
Chambers
Kime
Luedtke
Nore
Wiltse

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 82.

A BILL FOR AN ACT to amend section 50-112, Reissue Revised Statutes of Nebraska, 1943, relating to the organization of the Legislature; to delete the reference to overtime; and to repeal the original section, and also sections 50-117, 50-120, and 50-121, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Anderson
Barnett
Burbach
C. Carsten
F. Carstens
Cavanaugh
Clark
DeCamp
Dickinson
Duis
Epke
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Kremer
F. Lewis
R. Lewis
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney

Voting in the negative, 0.

Not voting, 5:

Carpenter
Chambers
Luedtke
Nore
Wiltse

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

RESOLUTIONS

LEGISLATIVE RESOLUTION 11.

Introduced by Dennis L. Rasmussen, 41st District.

WHEREAS the State of Nebraska recognized that agriculture is the keystone for the economic life and well-being of the nation; and

WHEREAS the Rural Environmental Assistance Program has allowed the orderly and effective development of the agriculture and environmental aspects of the state's economy; and

WHEREAS the Farmers' Home Administration has provided farmers the measure of security needed for them to face the many natural disasters inherent in the agriculture community; and

WHEREAS the Rural Electrification Administration has been the driving force in providing the power to satisfy the needs of this nation's most precious economic assets. . . our great food producing plan. . .; and

WHEREAS continuing such policies as providing hundreds of millions of dollars to bail out Lockheed Aircraft Corporation while denying such needed assistance to agriculture is, at best, inconsistent; and

WHEREAS there is currently under consideration plans to emasculate irrigation and water conservation practices and policies of the Federal government; and

WHEREAS the recently announced reductions in programs vital to the interests of rural America need careful review by Congress and the administration.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the President and members of Nebraska's Congressional delegation be formally notified of Nebraska's deep concern and fear for the devastating effect that elimination or reduction that these federal programs will have on our state's and the national economy.
2. That the members of Nebraska's Congressional delegation be formally advised that it is the Legislature's desire that every effort be made to have these programs restored with utmost dispatch, possibly financed by the millions that will be saved when the Vietnam War is terminated.
3. That the members of Nebraska's Congressional delegation immediately seek to join forces with the delegations of other farm bloc states in a united effort to restore these programs and prevent further erosion of the agricultural economy.
4. That a copy of this resolution be sent to the President of the United States and each member of Nebraska's Washington delegation.

Mr. Rasmussen moved to suspend the rules to consider LR 11. Motion pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 276. By Kelly, 35th District.

A BILL FOR AN ACT to amend section 16-241, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the first class; to change requirements relating to cemetery control; to repeal the original section, and also section 12-205, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 277. By C. Carsten, 2nd District.

A BILL FOR AN ACT to amend section 23-113, Reissue Revised Statutes of Nebraska, 1943, relating to counties; to provide for the care and maintenance of abandoned cemeteries as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 278. By C. Carsten, 2nd District.

A BILL FOR AN ACT to amend sections 79-2203, 79-2210, and 79-2210.02, Reissue Revised Statutes of Nebraska, 1943, relating to educational service units; to designate the educational service unit for a joint school district; to change the date for certification of budgets; to change the time of publication; and to repeal the original sections.

LEGISLATIVE BILL 279. By Duis, 39th District.

A BILL FOR AN ACT relating to taxation; to provide for the valuation of motor vehicle fuel and special fuel.

UNANIMOUS CONSENT—Withdraw Bills

Mr. F. Lewis renewed his pending request found in the Journal on page 204 for the Thirteenth Day to withdraw LB 211. No objections. So ordered.

Mr. Cavanaugh renewed his pending request found in the Journal on page 204 for the Thirteenth Day to withdraw LB 209. No objections. So ordered.

Mr. Fellman renewed his pending request found in the Journal on page 204 for the Thirteenth Day to withdraw LB 208. No objections. So ordered.

EXPLANATION OF VOTE

Had I been present Monday, January 22, 1973, I would have voted "aye" on LB 2, LB 3 and LB 4 on Final Reading.

(Signed) Duke Snyder

MOTION—Place LB 85 on General File

Mr. Mahoney moved to place LB 85 on General File notwithstanding the committee action. Motion pending.

SELECT FILE

LEGISLATIVE BILL 140. E & R amendment found in the Journal on page 200 for the Thirteenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 56. E & R amendment found in the Journal on page 200 for the Thirteenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 142. E & R amendment found in the Journal on page 200 for the Thirteenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 143. Advanced to E & R for Engrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 11.

Mr. Rasmussen renewed his motion to suspend the Rules and consider LR 11 at this time.

Mr. Skarda requested a Call of the House. The Call showed 43 members present.

Mr. Snyder moved the Call be raised. The motion prevailed with 35 ayes, 0 nays and 14 not voting.

The Rasmussen motion prevailed with 30 ayes, 8 nays and 11 not voting.

Mr. Burbach moved to send LR 11 to a committee for public hearing and to be expedited by the committee. The motion prevailed with 33 ayes, 3 nays and 13 not voting.

STANDING COMMITTEE REPORTS

Public Health and Welfare

LEGISLATIVE BILL 52. Placed on General File.

(Signed) Thomas C. Kennedy, Chairman

Urban Affairs

LEGISLATIVE BILL 69. Placed on General File.

LEGISLATIVE BILL 70. Placed on General File.

(Signed) Duke Snyder, Chairman

NOTICE OF COMMITTEE HEARINGS

Public Works

LB 245	Thursday, February 1, 1973	2:00 p.m.
LB 213	Wednesday, February 7, 1973	2:00 p.m.
LB 230	Wednesday, February 7, 1973	2:00 p.m.
LB 240	Wednesday, February 7, 1973	2:00 p.m.
LB 180	Cancel on January 31, 1973 and reset on Thursday, February 8, 1973	2:00 p.m.
LB 189	Cancel on January 31, 1973 and reset on Thursday, February 8, 1973	2:00 p.m.
LB 199	Thursday, February 8, 1973	2:00 p.m.

(Signed) Maurice A. Kremer, Chairman

Revenue

LB 48	Wednesday, January 31, 1973	2:00 p.m.
LB 154	Wednesday, January 31, 1973	2:00 p.m.

(Signed) J. W. Burbach, Chairman

STANDING COMMITTEE REPORT

Committee on Committees

January 24, 1973

The Committee on Committees desires to report favorably upon the appointments listed below which were submitted by Governor J. James Exon. The Committee suggests that the appointments be confirmed by the Legislative Body and suggests a record vote on each confirmation:

Herman A. Brockmeier – State Personnel Board

Committee Vote: For: (11) Senators Barnett, Duis, Epke, Johnson, Nore, Snyder, Stahmer, Stromer, Stull, Whitney and Wiltse

Against: None

Absent and not voting: (2) Senators Chambers and Luedtke

David Flebbe – State Personnel Board

Committee Vote: For: (10) Senators Duis, Epke, Johnson, Nore, Snyder, Stahmer, Stromer, Stull, Whitney and Wiltse

Against: None

Present and not voting: (1) Senator Barnett

Absent and not voting: (2) Senators Chambers and Luedtke

Edward M. Rowley – Board of Parole

Committee Vote: For: (9) Senators Barnett, Epke, Johnson, Nore, Snyder, Stahmer, Stromer, Stull and Whitney

Against: None

Present and not voting: (2) Senators Duis and Wiltse

Absent and not voting: (2) Senators Chambers and Luedtke

Respectfully submitted,

(Signed) Ramey C. Whitney, Chairman
Committee on Committees

ANNOUNCEMENT

The Clerk announced that on January 25, 1973 there would be a one day symposium at the Nebraska Center for Continuing Education on "Open Space and Urban Growth Planning.".

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 280. By Appropriations Committee: Marvel, 33rd District, Chairman; Simpson, 46th District; Marsh, 29th District; Savage, 10th District; Clark, 47th District; Nore, 22nd District; Johnson, 15th District; Whitney, 44th District; Stahmer, 8th District.

A BILL FOR AN ACT relating to the Auditor of Public Accounts; to provide for audits at such time as the auditor shall determine; to amend sections 71-3708 and 84-304, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original sections.

LEGISLATIVE BILL 281. By Appropriations Committee: Marvel, 33rd District, Chairman; Savage, 10th District; Johnson, 15th District; Marsh, 29th District; Simpson, 46th District; Whitney, 44th District; Clark, 47th District; Nore, 22nd District; Stahmer, 8th District.

A BILL FOR AN ACT to amend section 71-2045.06, Revised Statutes Supplement, 1972, relating to public health and welfare; to change the manner in which expenses are paid; and to repeal the original section.

LEGISLATIVE BILL 282. By Appropriations Committee: Marvel, 33rd District, Chairman; Savage, 10th District; Marsh, 29th District; Simpson, 46th District; Whitney, 44th District; Clark, 47th District; Stahmer, 8th District; Johnson, 15th District; Nore 22nd District.

A BILL FOR AN ACT relating to the Nebraska Hall of Fame Commission; to create a trust fund.

LEGISLATIVE BILL 283. By Marvel, 33rd District.

A BILL FOR AN ACT to amend section 77-2704, Revised Statutes Supplement, 1972, relating to taxation; to provide an additional exemption from sales and use taxes; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 284. By Lewis, 38th District.

A BILL FOR AN ACT to amend section 37-213.03, Reissue Revised Statutes of Nebraska, 1943, relating to game and fish; to change the posting, signs, and contents as prescribed; and to repeal the original section.

LEGISLATIVE BILL 285. By Cavanaugh, 9th District.

A BILL FOR AN ACT to amend section 71-1631, Revised Statutes Supplement, 1972, relating to public health; to provide that meetings do not have to be held before the tenth day of the month; and to repeal the original section.

LEGISLATIVE BILL 286. By DeCamp, 40th District.

A BILL FOR AN ACT relating to public health; to define terms; to provide when pregnancy termination may be performed; to provide for penalties; and to repeal sections 28-404 and 28-405, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 287. By DeCamp, 40th District.

A BILL FOR AN ACT to amend section 79-1336, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to increase state aid to public schools; and to repeal the original section.

LEGISLATIVE BILL 288. By DeCamp, 40th District.

A BILL FOR AN ACT relating to lottery; to define terms; to provide for establishing, managing, and operating a statewide lottery as prescribed; to provide for funds, expenditures, and personnel; to provide for violations and penalties; to provide for rules and regulations; to provide for forfeitures; and to provide how this act may be cited.

LEGISLATIVE BILL 289. By DeCamp, 40th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article III, section 7, of the Constitution of Nebraska, relating to the Legislature; to provide a Citizens Salary Control Committee for members of the Legislature as prescribed; to provide for the submission of the proposed amendment to the electors at the general election in November, 1974; to provide for the manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 290. By DeCamp, 40th District at the Request of the Governor.

A BILL FOR AN ACT to amend section 39-727, Revised Statutes Supplement, 1972, relating to highways; to provide additional penalties for drunken driving; and to repeal the original section.

MOTION—Rule Change

Mr. Maresh moved that a rule change be considered by the Rules Committee to change Rule 5 (d) to add: "Any bill withdrawn, except due to duplication of bills introduced, by a member during the introduction period shall be counted in the limitation of 10 bills."

Referred to the Rules Committee.

ANNOUNCEMENT

Mr. Mahoney announced the Reference Committee would meet immediately upon adjournment today.

UNANIMOUS CONSENT—Member Excused

Mr. Burbach asked unanimous consent to be excused tomorrow. No objections. So ordered.

VISITORS

Speaker Proud introduced 40 Seventh and Eighth Grade students from East Butler School, Brainard and teachers Messrs. Gary Bures and Ed Boharty.

Speaker Proud introduced 50 Social Settlement Senior Citizens from Omaha accompanied by Mrs. Dorothy Lawver, sponsor.

ADJOURNMENT

At 11:38 a.m., on a motion by Mr. Syas, the Legislature adjourned until 10:00 a.m., Thursday, January 25, 1973.

Vincent D. Brown
Clerk of the Legislature

FIFTEENTH DAY—JANUARY 25, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

FIFTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 25, 1973

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Marsh presiding.

PRAYER

The Chaplain offered a memorial prayer to former President Lyndon Johnson.

ROLL CALL

The roll was called and all members were present except Messrs. Burbach, Carpenter, Chambers, Fellman and Luedtke who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fourteenth Day was approved.

REFERENCE COMMITTEE REPORT

LB	Committee
276	Urban Affairs
277	Government, Military and Veteran's Affairs
278	Education
279	Revenue
280	Appropriations
281	Appropriations
282	Appropriations
283	Revenue
284	Constitutional Revision and Recreation
285	Public Health and Welfare
286	Public Health and Welfare
287	Education
288	Miscellaneous Subjects
289	Constitutional Revision and Recreation
290	Public Works

LR 11 Agriculture and Environment

(Signed) Eugene T. Mahoney, Vice-Chairman

ANNOUNCEMENT

Speaker Proud announced that Senators should have requests for bills to the Bill Drafter by 5:00 p.m., Monday, January 29, 1973 in order to be introduced by the 20th Legislative Day.

SELECT COMMITTEE REPORT
Enrollment & Review

LEGISLATIVE BILL 99. Placed on Select File.

Correctly Engrossed

The following bills were correctly engrossed: 56, 140, 142 and 143.

Correctly Enrolled

The following bills were correctly enrolled: 1 and 82.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bills: 1 and 82.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 291. By Appropriations Committee: Marvel, 33rd District, Chairman; Simpson, 46th District; Marsh, 29th District; Savage, 10th District; Clark, 47th District; Johnson, 15th District; Whitney, 44th District; Stahmer, 8th District.

A BILL FOR AN ACT to amend section 50-419.01, Revised Statutes Supplement, 1972, relating to the Legislative Fiscal Analyst; to provide for development of state agency budgets; and to repeal the original section.

LEGISLATIVE BILL 292. By Simpson, 46th District.

A BILL FOR AN ACT to amend section 48-120, Revised Statutes Supplement, 1972, relating to labor; to authorize an employee to select his own doctor as prescribed; and to repeal the original section.

LEGISLATIVE BILL 293. By Simpson, 46th District.

A BILL FOR AN ACT to adopt the Uniform Residential Landlord and Tenant Act; to provide summary proceedings for possession; to amend section 24-268, Revised Statutes Supplement, 1972, to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 294. By Barnett, 26th District.

A BILL FOR AN ACT relating to revenue and taxation; to require payments in lieu of taxes by private enterprise to political subdivisions as prescribed.

LEGISLATIVE BILL 295. By Stromer, 36th District.

A BILL FOR AN ACT relating to the National Guard; to provide quarters allowance for certain enlisted men during annual active duty training; and to declare an emergency.

LEGISLATIVE BILL 296. By Stromer, 36th District.

A BILL FOR AN ACT relating to insurance; to provide for exchange of shares of domestic insurance companies as prescribed.

LEGISLATIVE BILL 297. By Interim Committee on Retirement: Whitney, 44th District, Chairman; Goodrich, 20th District; Marvel, 33rd District; Hasebroock, 18th District.

A BILL FOR AN ACT relating to retirement systems; to provide for qualified actuaries for certain purposes as prescribed.

LEGISLATIVE BILL 298. By Keyes, 3rd District.

A BILL FOR AN ACT to amend section 81-1502, Revised Statutes Supplement, 1972, relating to the Environmental Protection Act; to provide a definition for commercial feedlot; and to repeal the original section.

LEGISLATIVE BILL 299. By Warner, 25th District.

A BILL FOR AN ACT to amend sections 18-2101, 18,2103, and 18-2144, Reissue Revised Statues of Nebraska, 1943, relating to Urban Renewal and Redevelopment Law; to change the name as prescribed; to redefine terms; to authorize cities and villages power to create community development agency by ordinance; to give cities and villages the power and authority to create a community development agency by ordinance as prescribed; and to repeal the original sections.

SELECT FILE

LEGISLATIVE BILL 10. E & R amendments found in the Journal on page 208 for the Fourteenth Day were adopted.

Speaker Proud moved to bracket LB 10 on Select File to be taken up after the state aid bills. The motion prevailed.

LEGISLATIVE BILL 141. E & R amendments found in the Journal on page 209 for the Fourteenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 253. E & R amendments found in the Journal on page 209 for the Fourteenth Day were adopted.

Mr. Marvel offered the following amendment which was adopted by unanimous consent:

1. On page 12, strike lines 10 and 11 and insert: "There is included $9,844 for payment to the Missouri River Basin Commission for Nebraska's portion of the administrative costs of the Commission."

Advanced to E & R for Engrossment.

MESSAGE FROM THE GOVERNOR

January 23, 1973

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following reappointments to the Code of Ethics Board:

State Government Representatives:
Thomas D. Doyle, Department of Roads
William E. Peters, Department of Revenue
Gustave Lieske, Department of Administrative Services

Lay members:
Donald R. Treadway, Fullerton
Charles Brodersen, Herman

I respectfully submit these reappointments for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

UNANIMOUS CONSENT—Add Co-Introducer

Mr. Johnson asked unanimous consent to add his name to LB 230. No objections. So ordered.

UNANIMOUS CONSENT—Re-refer LB 271

Mr. Simpson asked unanimous consent to re-refer LB 271 from Public Health and Welfare to Government, Military and Veteran's Affairs Committee. No objections. So ordered.

NOTICE OF COMMITTEE HEARING
Agriculture and Environment

LR 11	Friday, February 2, 1973	2:00 p.m.
LB 201	Friday, February 2, 1973	2:00 p.m.

(Signed) Loran Schmit, Chairman

STANDING COMMITTEE REPORT
Public Health and Welfare

LEGISLATIVE BILL 101. Placed on General File as amended.
Standing Committee amendments to LB 101:

1. On page 2 lines 2 and 3 strike "growing shortage and"; in section 2 lines 18 and 19 strike "board of medical examiners of the state" and insert there "Board of Examiners in Medicine and Surgery"; following line 19 insert "(3) Department shall mean the Department of Health of the State of Nebraska;"; renumber subdivisions "(3), (4), and (5)" as "(4), (5), and (6)" respectively; before "and" in line 22 insert "as determined by the board" and after "board" insert ", with the concurrence of the department,".

2. On page 3 lines 6 and 7 strike the words "of medical examiners"; and in line 26 after "hospital" insert ", with the approval of the governing board of such hospital,".

3. On page 4 line 2 after the period insert "The provisions of this section may be further clarified by rules and regulations of the board."; in line 10 strike "shall" and insert "may"; strike everything after the period in line 12, and lines 13 to 18; renumber subsection (3) as (2); in line 19 strike "shall create" and insert "may recognize"; and strike everything in lines 26 and 27.

4. On page 5 strike lines 1 to 7; in line 21 after "board" insert ", with the concurrence of the department,"; before the comma in line 24 insert "as determined by the board"; and strike all of line 25 after "qualified".

5. On page 6 in line 4 strike "physician practicing" and insert "practicing physician."; strike lines 5 to 9; and in line 11 after "board" insert ", with the concurrence of the department,".

6. On page 7 strike lines 13 to 16 and insert

"Sec. 9. The board, with the concurrence of the department, may deny, suspend, or revoke the certificate of approval to supervise a physician's assistant held by any physician when it finds that the provisions of this act or any of the rules and regulations adopted by the board thereunder are not being complied with. In cases of failure to pay the required fees, denial shall be automatic. Any denial, suspension, or revocation shall be subject to review pursuant to the provisions of Chapter 84, article 9, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto.".

7. On page 8 following the period in line 2 insert "The board shall adopt all rules and regulations required and authorized by the provisions of this act only with the approval of the department."; strike lines 13 to 16; renumber subsection (3) as subsection (2) in lines 18 and 19 strike "in a specialty area,"; following line 22 insert

"(3) All fees shall be expended for the benefit of the profession of medicine and surgery, and otherwise used as provided in section 71-162, Reissue Revised Statutes of Nebraska, 1943, and for the purpose of administering and enforcing the provisions of this act."; and strike lines 23 to 27 and insert

"Sec. 13. Nothing in this act shall be construed as authorizing any physician's assistant to engage in any of the health professions licensed by the department pursuant to the provisions of Chapter 71, article 1, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, without having the proper license therefor.".

8. On page 9 strike line 1; in line 3 after "any" insert "negligent".

(Signed) Thomas C. Kennedy, Chairman

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 300. By Stahmer, 8th District.

A BILL FOR AN ACT to amend sections 79-533, 79-801, and 79-1002, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change boundaries of certain classified school districts; to provide an operative date; and to repeal the original sections, and also section 79-803.03, Revised Statutes Supplement, 1972.

LEGISLATIVE BILL 301. By Kime, 43rd District.

A BILL FOR AN ACT to amend section 54-101, Revised Statutes Supplement, 1972, relating to the Nebraska Brand Laws; to redefine terms; and to repeal the original section.

MOTION—Appointments

Mr. Whitney moved the adoption of the Committee on Committee Report found on page 215 on the Fifteenth Day Journal and request a record vote taken on each confirmation. The motion prevailed.

Herman A. Brockmeier – State Personnel Board

Voting in the affirmative, 29:

Anderson
Barnett
Cavanaugh
Clark
DeCamp
Dickinson
Epke
Fowler
Goodrich
Johnson
Kennedy
Keyes
Kremer
Maresh
Marsh
Moylan
Murphy
Rasmussen
Richendifer
Savage
Simpson
Skarda
Stahmer
Stromer
Stull
Syas
Waldron
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 20:

Burbach
Carpenter
C. Carsten
F. Carstens
Chambers
Duis
Fellman
Hasebroock
Kelly
Kime
F. Lewis
R. Lewis
Luedtke
Mahoney
Marvel
Nore
Proud
Schmit
Snyder
Warner

The motion prevailed with 29 ayes, 0 nays and 20 not voting.

David Flebbe – State Personnel Board

Voting in the affirmative, 31:

Anderson
C. Carsten
Clark
DeCamp
Duis
Epke
Fowler
Hasebroock
Johnson
Kennedy
Kremer
F. Lewis
R. Lewis
Maresh
Marsh
Moylan
Murphy
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 18:

Barnett
Burbach
Carpenter
F. Carstens
Cavanaugh
Chambers
Dickinson
Fellman
Goodrich
Kelly
Keyes
Kime
Luedtke
Mahoney
Marvel
Nore
Proud
Snyder

The motion prevailed with 31 ayes, 0 nays and 18 not voting.

Edward M. Rowley – Board of Parole

Voting in the affirmative, 34:

Anderson Barnett C. Carsten F. Carstens Clark
Dickinson Duis Fowler Hasebroock Johnson
Kennedy Keyes Kime Kremer F. Lewis
R. Lewis Mahoney Maresh Marvel Moylan
Murphy Nore Rasmussen Savage Simpson
Skarda Stahmer Stromer Stull Syas
Waldron Warner Whitney Wiltse

Voting in the negative, 0.

Not voting, 15:

Burbach Carpenter Cavanaugh Chambers DeCamp
Epke Fellman Goodrich Kelly Luedtke
Marsh Proud Richendifer Schmit Snyder

The motion prevailed with 34 ayes, 0 nays and 15 not voting.

GENERAL FILE

LEGISLATIVE BILL 9.

Mr. Stromer asked unanimous consent to bracket LB 9 until Tuesday, January 30. No objections. So ordered.

LEGISLATIVE RESOLUTION 6. Read and Considered.

LR 6 was adopted with 40 ayes, 0 nays and 9 not voting.

LEGISLATIVE BILL 47. Title read. Considered.

Advanced to E & R for Review with 33 ayes, 0 nays and 16 not voting.

LEGISLATIVE BILL 49. Title read. Considered.

Standing Committee amendment found in the Journal on page 205 for the Thirteenth Day was adopted.

Advanced to E & R for review with 33 ayes, 2 nays and 14 not voting.

LEGISLATIVE BILL 54. Title read. Considered.

Standing Committee amendment found in the Journal on page 205 for the Thirteenth Day was adopted.

Advanced to E & R for review with 34 ayes, 0 nays and 15 not voting.

LEGISLATIVE BILL 128. Title read. Considered.

Standing Committee amendments found in the Journal on page 205 for the Thirteenth Day were adopted.

Mr. Stromer offered the following amendment, which was adopted:

Amend on p. 8, line 6, strike section 7 and insert the following: Sec. 7. "The Director of Motor Vehicles shall adopt such rules and regulations as may be necessary to carry out the provisions of this act.".

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on January 25, 1973 at 11:45 a.m.: LB 1 and LB 82.

(Signed) Barbara Jackson, Enrolling Clerk

NOTICE OF COMMITTEE HEARINGS
Public Health and Welfare

LB 185	Monday, February 5, 1973	2:00 p.m.
LB 173	Monday, February 5, 1973	2:00 p.m.
LB 235	Monday, February 5, 1973	2:00 p.m.
LB 239	Tuesday, February 6, 1973	2:00 p.m.
LB 221	Tuesday, February 6, 1973	2:00 p.m.
LB 222	Tuesday, February 6, 1973	2:00 p.m.

(Signed) Thomas Kennedy, Chairman

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 302. By Interim Appropriations Committee: Marvel, 33rd District, Chairman; Simpson, 46th District; Clark, 47th District; Marsh, 29th District; Savage, 10th District; Johnson, 15th District; Nore, 22nd District.

A BILL FOR AN ACT relating to mental health; to define terms; to provide for comprehensive community mental health services; to provide organization and control of facilities, services, and programs; to provide for funding; and to declare an emergency.

LEGISLATIVE BILL 303. By Interim Appropriations Committee: Marvel, 33rd District, Chairman; Whitney, 44th District; Clark, 47th District; Marsh, 29th District; Savage, 10th District; Johnson, 15th District; Nore, 22nd District.

A BILL FOR AN ACT to amend sections 43-607 and 43-616.04, Revised Statutes Supplement, 1972, relating to transportation of the mentally retarded; to change the reimbursement rate; to provide for payments regardless of age; and to repeal the original sections.

VISITORS

President Marsh introduced former Senator Dale Erlewine from Grant, Nebraska.

President Marsh introduced 4 Government Students from Barneston High School, Barneston, Nebraska accompanied by teacher David Anderson.

ANNOUNCEMENT

Mr. Mahoney announced the Reference Committee would meet immediately upon adjournment.

UNANIMOUS CONSENT—Member Excused

Mr. Simpson asked unanimous consent to be excused tomorrow. No objections. So ordered.

ADJOURNMENT

Mr. Richendifer moved to adjourn until 9:00 a.m. tomorrow.

Mr. Hasebroock moved to amend the motion to 10:00 a.m. tomorrow. The motion prevailed.

Mr. Stromer moved to amend the motion to Monday, January 29, 1973. The motion lost with 21 ayes, 16 nays and 12 not voting.

The Richendifer motion as amended lost with 17 ayes, 20 nays and 12 not voting.

Mr. Stromer moved to amend the Richendifer motion to 9:00 a.m., Monday, January 29, 1973.

Mr. Mahoney requested a Call of the House. The Call showed 42 members present.

Mr. Barnett moved the Call be raised. The motion prevailed with 30 ayes, 9 nays and 10 not voting.

The Stromer motion lost with 20 ayes, 22 nays and 7 not voting.

The Richendifer motion lost with 22 ayes, 19 nays and 8 not voting.

Mr. Syas moved to adjourn until 10:00 a.m. tomorrow. The motion prevailed with 35 ayes, 3 nays and 11 not voting.

At 12:06 p.m. the Legislature adjourned until 10:00 a.m. Friday, January 26, 1973.

Vincent D. Brown
Clerk of the Legislature

SIXTEENTH DAY—JANUARY 26, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

SIXTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 26, 1973

Pursuant to adjournment the Legislature met at 10:00 a.m., President Marsh presiding.

PRAYER

Prayer was offered by the Chaplain.

> Whatever of the past or the future must pre-occupy our minds as we stand by our desks just now,
>
> O Lord our God: Enable us to become fully sensitive to the larger dimensions of the present moment.
>
> Prevent us from wasting the wonderful gift of time.
>
> Challenge us with an awareness of the potential for creativity and productivity with which every hour of life is endowed.
>
> So may we be recognized by our constituents as worthy representatives, and by our God as faithful servants. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Carpenter, Chambers, R. Lewis, Luedtke, Proud and Simpson who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifteenth Day was approved.

UNANIMOUS CONSENT—Members Excused

Mr. Rasmussen asked unanimous consent to be excused at 10:30 a.m. for the remainder of the morning. No objections. So ordered.

Mr. F. Lewis asked unanimous consent to be excused at 10:45 a.m. for the remainder of the morning. No objections. So ordered.

MESSAGES FROM THE GOVERNOR

January 24, 1973

Mr. Vincent D. Brown
Clerk of the Legislature
State House
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 2, 3, 4, 6, 79, 80, 81, and 83. These bills were signed by me on January 24, 1973 and delivered to the Secretary of State.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:fw

January 25, 1973

Mr. Vincent D. Brown
Clerk of the Legislature
State House
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 1 and 82. These bills were signed by me on January 25, 1973 and forwarded to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 302, passed in the 1965 session of the Legislature, the attached is a list of all lobbyists who have registered as of January 25, 1973. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Vincent D. Brown
Clerk of the Legislature

Blazek, D. R. "Dar" – Lincoln, Lincoln Electric System
Carter, Edward F. Jr. – Lincoln, America Mutual Insurance Alliance
Friehe, Ervain J. – McCook, Nebraska Wheat Growers Association
Gove, Charles F. – Denton, National Farmers Organization, Inc. of Nebraska
Lynch, Daniel C. – Denver, Colorado, United Air Lines & Air Transport Association of America
Moylan, James H. – Omaha, Nebraska Association of County Officials
Murphy, Lawrence E. – Lincoln, Nebraska Hearing Aid Association, Inc.
Pierson, David C. – Lincoln, Fidelity Title Insurance Company; Nebraska Dental Association
Ryan, James E. – Lincoln, Coin Operators Industries of Nebraska; Nebraska Beer Wholesalers Association; Nebraska Liquor Wholesalers Association; Nebraska New Car Dealers Association
Wisnieski, Hubert – Lincoln, National Farmers Organization, Inc. of Nebraska

REFERENCE COMMITTEE REPORT

LB	Committee
291	Appropriations
292	Labor
293	Judiciary
294	Revenue
295	Government, Military and Veteran's Affairs
296	Banking, Commerce and Insurance
297	Nebraska Retirement Systems
298	Agriculture and Environment
299	Urban Affairs
300	Education
301	Agriculture and Environment
302	Appropriations
303	Appropriations

(Signed) Eugene T. Mahoney, Vice-Chairman
Executive Board

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 130. Placed on General File as amended.
Standing Committee amendment to LB 130:

1. On page 2, line 11 reinstate "secretary"; in lines 13, 14, and 15 strike the new matter; in line 20 reinstate "secretary"; and in line 21 strike the new matter.

(Signed) Jerome Warner, Chairman

ANNOUNCEMENT

Mr. Marvel announced there would be an Appropriations meeting at 1:30 p.m. today in Room 1003.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 304. By Dickinson, 31st District.

A BILL FOR AN ACT relating to lewd, obscene, or pornographic films; to make the showing thereof a public nuisance; and to provide for the abatement thereof.

LEGISLATIVE BILL 305. By Goodrich, 20th District.

A BILL FOR AN ACT relating to insurance; to prohibit financial institutions from the insurance business as prescribed.

LEGISLATIVE BILL 306. By Marsh, 29th District.

A BILL FOR AN ACT to amend section 79-2103, Reissue Revised Statutes of Nebraska, 1943, relating to educational television; to provide for a library of historical figures; and to repeal the original section.

LEGISLATIVE BILL 307. By Marsh, 29th District.

A BILL FOR AN ACT to amend section 85-503, Reissue Revised Statutes of Nebraska, 1943, relating to state university and normal schools; to permit children of certain servicemen to attend school tutition free as prescribed; and to repeal the original section.

MOTION—Rule Changes

Mr. Duis moved to amend Rule 7, Section 5, page 38 to read as follows:

~~A call of the Legislature must be seconded by at least five members. Thereupon, and upon call of the presiding officer,~~ A call of the Legislature may be made by any member in the manner following: "I move for a call of the Senate". The presiding officer shall direct that the board be cleared and the members shall then vote on placing themselves under call. If a majority of the Senators present and voting vote in favor of such a motion then the Senate shall be deemed to be under call. Each member present shall indicate his presence upon the electric roll call system and shall remain in his seat during the call. After the Clerk shall note the names of the absentees, proceedings under the call may be suspended at any time by a majority vote of the members ~~elected,~~ then present, and when so suspended shall not again be ordered on the proposition pending, except by a majority vote of the members ~~present~~ elected ~~and voting thereon.~~ When the Legislature has been under call for ~~fifteen~~ five minutes, and if all absentees were to vote on one side of the question, and if their combined vote would be insufficient to change the result of the vote, the President shall declare the call raised.

Lieutenant Governor votes only when Legislature equally divided. Rule 1, Sec. 14, page 4.

Voice vote while House under call. Rule 7, Sec. 2b, page 36.

Mr. Duis moved to amend Rule 7, Section 9, page 40 to read as follows:

A motion to adjourn shall be in order, except:

a. While a member is speaking.
b. When a motion to adjourn has just been defeated.
c. After the Final Reading of a bill and during roll call thereon.
d. When the same is made for dilatory purposes.

A motion to adjourn takes precedence over all motions except a call of the house and shall not be subject to debate ~~to a time certain shall have precedence over a motion to adjourn.~~ A motion to adjourn to a time certain shall be subject to debate and amendment. A motion to recess shall take precedence over either of such motions.

Any motion to recess, to adjourn or to adjourn to a time certain may be adopted by a majority of those voting on the motion.

Referred to Rules Committee.

SELECT FILE

LEGISLATIVE BILL 99. Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 39. Laid over.

LEGISLATIVE BILL 128. Laid over temporarily.

LEGISLATIVE BILL 93. Title read. Considered.

Standing Committee amendment found in the Journal on page 209 for the Fourteenth Day was adopted.

Advanced to E & R for Review with 35 ayes, 0 nays and 14 not voting.

LEGISLATIVE BILL 52. Title read. Considered.

Advanced to E & R for review with 33 ayes, 0 nays and 16 not voting.

LEGISLATIVE BILL 69. Title read. Considered.

Advanced to E & R for review with 35 ayes, 1 nay and 13 not voting.

LEGISLATIVE BILL 70. Title read. Considered.

Advanced to E & R for review with 29 ayes, 1 nay and 19 not voting.

LEGISLATIVE BILL 101. Title read. Considered.

Standing Committee amendments found in the Journal on page 224 for the Fifteenth Day were adopted.

Mr. Schmit offered the following amendment which was adopted:
Page 4, line 2, add With the approval of the Governing Board of the affected hospital in

Advanced to E & R for review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 128. Considered.

Mr. Waldron moved to indefinitely postpone.

Mr. Waldron requested a Call of the House. The Call showed 39 members present.

Mrs. Marsh moved the Call be raised. The motion prevailed with 31 ayes, 1 nay and 17 not voting.

The Waldron motion lost with 16 ayes, 18 nays and 15 not voting.

The motion to advance to E & R for Review failed with 18 ayes, 18 nays and 14 not voting.

NOTICE OF COMMITTEE HEARING
Appropriations

LB 291	Thursday, February 1, 1973	2:00 p.m.

(Signed) Richard Marvel, Chairman

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 141 and 253.

(Signed) John J. Cavanaugh, Chairman

STANDING COMMITTEE REPORT
Government, Military & Veteran's Affairs

LEGISLATIVE BILL 29. Placed on General File

LEGISLATIVE BILL 33. Placed on General File.

(Signed) Ernest Chambers, Chairman

MOTION—Withdraw LB 151

Mr. Cavanaugh moved to withdraw LB 151. Laid over.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 308. By Kremer, 34th District.

A BILL FOR AN ACT to amend section 46-544, Revised Statutes Supplement, 1972, relating to reclamation districts; to provide that lands recovering special district benefits for recharging of ground water aquifers by water originating from district works or having relation thereto, may be assessed for such benefits by the board of the district within the mill limitations as set forth; and to repeal the original section.

LEGISLATIVE BILL 309. By Duis, 39th District.

A BILL FOR AN ACT to amend sections 44-404, 44-407.08, and 44-407.09, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to establish standards of valuation, mortality tables, interest rates and reserves required; and to repeal the original sections.

LEGISLATIVE BILL 310. By Fellman, 4th District.

A BILL FOR AN ACT relating to elections; to limit the amount of money to be spent by a candidate directly or by others on his behalf when seeking election to public office; to provide for violations; to provide penalties; and to declare an emergency.

LEGISLATIVE BILL 311. By Interim Appropriations Committee: Marvel, 33rd District, Chairman; Whitney, 44th District; Stahmer, 8th District; Johnson, 15th District; Savage, 10th District; Marsh, 29th District; Clark, 47th District.

A BILL FOR AN ACT to amend sections 83-1,142 and 83-1,143, Reissue Revised Statutes of Nebraska, 1943, relating to institutions; to change a qualification on a duty of the director; to change a funding provision; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 312. By Schmit, 23rd District.

A BILL FOR AN ACT to amend section 8-157, Reissue Revised Statutes of Nebraska, 1943, relating to branch banks; to permit not more than two detached auxiliary teller offices as prescribed; and to repeal the original section.

LEGISLATIVE BILL 313. By Waldron, 42nd District.

A BILL FOR AN ACT to amend sections 16-401, 17-105, 17-106, and 17-204, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the first class, cities of the second class and villages; to provide for publication of the minutes of city council and board of trustees meetings; and to repeal the original sections.

LEGISLATIVE BILL 314. By Interim State Aid Committee: Warner, 25th District, Chairman.

A BILL FOR AN ACT to amend section 79-4,102, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide the maximum nonresident tuition rate; and to repeal the original section.

LEGISLATIVE BILL 315. By Chambers, 11th District.

A BILL FOR AN ACT relating to liquors; to prohibit a law enforcement officer from having any interest in an establishment or place of business which has a liquor license.

ADJOURNMENT

At 11:08 a.m., on a motion by Mr. Syas, the Legislature adjourned until 10:00 a.m., Monday, January 29, 1973.

Vincent D. Brown
Clerk of the Legislature

SEVENTEENTH DAY—JANUARY 29, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

SEVENTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 29, 1973

Pursuant to adjournment the Legislature met at 10:00 a.m., President Marsh presiding.

PRAYER

Prayer was offered by Rev. George Stulac from Inter-Varsity Christian Fellowship of Lincoln.

> O God, we are thankful to you that you have answered our prayers to end a war. Truly you are the Prince of Peace, and we praise you for your mercy shown to us. With thankfulness to you for the peace that we have, and with awareness that we are still far from thorough peace and justice in this world, we begin this day by looking first to you. We are aware that it is not in us to make a world of peace and justice. We confess this, and we ask your forgiveness through Christ. We praise you as the only One who is perfectly good and loving and righteous—perfectly holy. That is why our hope is in you rather than ourselves. That is why we ask you to be powerfully active in the world today—active in events around the world to strengthen our peace and to purify our imperfect justice; active in our lives to teach us and to guide us along paths of righteousness. We acknowledge our need for this from you, and we ask for this in the name of Jesus Christ. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Fellman who was excused until 10:20 a.m.

CORRECTIONS FOR JOURNAL

The Journal for the Sixteenth Day was approved.

UNANIMOUS CONSENT—Member Excused

Mr. Kime asked unanimous consent to be excused from noon today until Wednesday, January 31. No objections. So ordered.

STANDING COMMITTEE REPORT
Appropriations

LEGISLATIVE BILL 122. Placed on General File.

LEGISLATIVE BILL 200. Placed on General File.

(Signed) Richard Marvel, Chairman

Labor

LEGISLATIVE BILL 35. Placed on General File as amended.
Standing Committee amendment to LB 35:

1. On page 4 line 10 strike the comma after "department" and insert "~~,~~ or"; strike the comma after "board" and insert "shall file with the commissioner a written election to become an employer for not less than two calendar years and may obligate its funds for the payment of benefits paid from the Unemployment Compensation Fund on its employment.".

2. On page 4 line 11 strike "any" and insert "any Any"; in line 12 reinstate "may" and strike "shall".

(Signed) Richard Maresh, Chairman

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 47. Placed on Select File.

LEGISLATIVE BILL 49. Placed on Select File as amended.
E & R amendments to LB 49:

1. Add a new section to read:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. In the title, line 5, insert "payment of" after "from"; in line 5, strike "and"; and in line 6, insert "; and to declare an emergency" after "section".

LEGISLATIVE BILL 54. Placed on Select File as amended.
E & R amendment to LB 54:

1. On page 2, strike line 3 and insert "75-303. The".

Correctly Engrossed

The following bill was correctly engrossed: 99.

(Signed) John J. Cavanaugh, Chairman

REFERENCE COMMITTEE REPORT

LB	Committee
304	Judiciary
305	Banking, Commerce and Insurance
306	Education
307	Education
308	Public Works
309	Banking, Commerce and Insurance
310	Government, Military & Veteran's Affairs
311	Appropriations
312	Banking, Commerce and Insurance
313	Urban Affairs
314	Education
315	Urban Affairs
302	Re-reffered from the Appropriations Committee to Public Health and Welfare Committee

(Signed) Eugene T. Mahoney, Vice Chairman

ANNOUNCEMENT

The Clerk announced that the Labor Committee would meet in the East Chamber and the Judiciary Committee would meet in Room 1009 on Wednesday, January 31, 1973 at 2:00 p.m.

NOTICE OF COMMITTEE HEARING
Labor

LB 193	Wednesday, February 7, 1973	2:00 p.m.
LB 260	Wednesday, February 7, 1973	2:00 p.m.
LB 262	Wednesday, February 7, 1973	2:00 p.m.

(Signed) Richard Maresh, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 15.

A BILL FOR AN ACT to amend section 40-101, Reissue Revised Statutes of Nebraska, 1943, relating to homesteads; to increase the homestead exemption; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
DeCamp
Epke
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Moylan
Murphy
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Warner
Wiltse

Voting in the negative, 3:

Dickinson
Nore
Waldron

Not voting, 6:

Chambers
Clark
Duis
Fellman
Marvel
Whitney

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 16.

A BILL FOR AN ACT to amend section 25-1552, Reissue Revised Statutes of Nebraska, 1943, and section 25-1556, Revised Statutes Supplement, 1972, relating to exemptions; to change exemptions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Anderson
Barnett
Burbach
C. Carsten
F. Carstens
Cavanaugh
DeCamp
Epke
Fowler
Goodrich

Hasebroock	Kelly	Kennedy	Keyes	Kime
Kremer	F. Lewis	R. Lewis	Luedtke	Mahoney
Marsh	Moylan	Murphy	Proud	Richendifer
Savage	Schmit	Simpson	Skarda	Snyder
Stahmer	Stromer	Stull	Syas	Warner
Wiltse				

Voting in the negative, 6:

Clark	Dickinson	Maresh	Nore	Waldron
Whitney				

Not voting, 7:

Carpenter	Chambers	Duis	Fellman	Johnson
Marvel	Rasmussen			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION–Suspend Rules

Speaker Proud moved to Suspend the Rules and take up tomorrow's Final Reading Bills today. The motion prevailed with 32 ayes, 7 nays and 10 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 56.

A BILL FOR AN ACT to amend section 21-2104, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Business Development Corporation Act; to remove a restriction on the use of loans made by a development corporation; to eliminate certain requirements; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Clark	DeCamp	Dickinson
Duis	Epke	Fowler	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kremer

F. Lewis R. Lewis Luedtke Mahoney Maresh
Marsh Marvel Moylan Murphy Nore
Proud Rasmussen Richendifer Savage Schmit
Simpson Skarda Snyder Stahmer Stromer
Stull Waldron Warner Whitney Wiltse

Voting in the negative, 0.

Not voting, 4:

Chambers Fellman Kime Syas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 140. Laid over.

LEGISLATIVE BILL 142. With Emergency.

A BILL FOR AN ACT to amend section 8-821, Reissue Revised Statutes of Nebraska, 1943, relating to banking; to provide that personal loan charges may include the cost of nonfiling insurance; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Anderson Barnett Burbach Carpenter C. Carsten
F. Carstens Cavanaugh Chambers DeCamp Dickinson
Duis Epke Fellman Fowler Goodrich
Hasebroock Johnson Kelly Kennedy Keyes
Kime Kremer F. Lewis Luedtke Mahoney
Maresh Marsh Marvel Moylan Murphy
Nore Proud Savage Schmit Simpson
Snyder Stahmer Stromer Stull Syas
Warner Whitney Wiltse

Voting in the negative, 4:

Clark R. Lewis Rasmussen Richendifer

Not voting, 2:

Skarda Waldron

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 143. With Emergency.

A BILL FOR AN ACT to amend section 8-147, Reissue Revised Statutes of Nebraska, 1943, relating to banking; to provide for an increase in the aggregate amount of the rediscounts and bills payable as prescribed; to provide for an increase in the amount of loans and investments as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
Clark
DeCamp
Dickinson
Duis
Epke
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Kremer
F. Lewis
Luedtke
Mahoney
Maresh
Marsh
Moylan
Murphy
Nore
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 2:

R. Lewis
Marvel

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 316. By Richendifer, 16th District.

A BILL FOR AN ACT to amend section 75-110.01, Reissue Revised Statutes of Nebraska, 1943, relating to the Public Service Commission; to provide for publication of notice of hearing; to provide for payment of publication costs; and to repeal the original section.

LEGISLATIVE BILL 317. By Kelly, 35th District.

A BILL FOR AN ACT to amend sections 39-794 and 39-795, Revised Statutes Supplement, 1972, relating to highways; to require that probation judgments be entered in the court docket; to provide that the Director of Motor Vehicles and the county treasurer receive an abstract of such judgment; and to repeal the original sections.

LEGISLATIVE BILL 318. By Stahmer, 8th District.

A BILL FOR AN ACT relating to revenue and taxation; to define terms; to provide a tax on tobacco products excluding cigarettes; to require licensing; to provide for disposition of funds; to make certain acts unlawful; and to provide penalties.

LEGISLATIVE BILL 319. By Richendifer, 16th District.

A BILL FOR AN ACT to amend section 60-412, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicles; to change the fee for a certified abstract of an operating record; and to repeal the original section.

LEGISLATIVE BILL 320. By F. Lewis, 45th District.

A BILL FOR AN ACT to amend sections 48-418, 48-418.09, and 48-418.12, Reissue Revised Statutes of Nebraska, 1943, relating to labor; to revise standards for elevator inspections; to increase the fees for elevator inspections; and to repeal the original sections.

LEGISLATIVE BILL 321. By F. Lewis, 45th District.

A BILL FOR AN ACT to amend sections 79-1281 and 79-1283, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to require compensation of members of the Professional Practices Commission and their replacements as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 322. By F. Lewis, 45th District.

A BILL FOR AN ACT relating to conflict of interest; to provide for public disclosure of potential conflicts of interest by public officials and employees not presently under the conflicts of interest law; and to provide penalties.

LEGISLATIVE BILL 323. By Marvel, 33rd District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article VII, section 10, of the Constitution of Nebraska, relating to education; to provide for student membership on the Board of Regents of the University of Nebraska; to provide for the submission of the proposed amendment to the electors at the general election in November, 1974; to provide for the manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 324. By Stull, 49th District.

A BILL FOR AN ACT to amend section 39-2113, Revised Statutes Supplement, 1972, relating to functional classification; to provide that the Department of Roads may request the board to relax the standards; and to repeal the original section.

LEGISLATIVE BILL 325. By Interim Committee on Truth in Advertising: Waldron, 42nd District, Chairman

A BILL FOR AN ACT relating to negotiable instruments; to define terms; to declare consumer paper nonnegotiable as prescribed; and to provide penalties.

LEGISLATIVE BILL 326. By Interim Committee on Truth in Advertising: Waldron, 42nd District, Chairman.

A BILL FOR AN ACT relating to monopolies and unlawful combinations; to define terms; to provide for consumer protection as prescribed; to provide for collection of damages; to provide penalties; to provide enforcement procedures; and to provide a title.

LEGISLATIVE BILL 327. By Interim Committee on Truth in Advertising: Waldron, 42nd District, Chairman.

A BILL FOR AN ACT to provide a Consumer Sales Practices Act; to define terms; to provide for enforcement as prescribed; to provide penalties; to provide procedure for civil remedies; and to provide an operative date.

LEGISLATIVE BILL 328. By DeCamp, 40th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article III, section 24, of the Constitution of Nebraska, relating to games of change; to provide for off-track wagering through established accounts; to provide for establishment of wagering accounts; to provide for disposition of wagers on licensed races and for out-of-state races; to provide for the submission of the proposed amendment to the electors at the general election in November, 1974, to provide for the manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 329. By DeCamp, 40th District.

A BILL FOR AN ACT relating to crimes and punishment; to adopt a comprehensive criminal code; to provide an operative date; and to repeal Chapter 28, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto.

LEGISLATIVE BILL 330. By Simpson, 46th District.

A BILL FOR AN ACT to amend sections 76-511, 76-513, 76-519, 76-523, 76-524, and 76-528, Reissue Revised Statutes of Nebraska, 1943, relating to the Abstracters Board of Examiners; to change qualifications; to provide for compensation of the secretary; to clarify provisions; to provide for Certificates of Authority; to eliminate an exemption; and to repeal the original sections.

NOTICE OF COMMITTEE HEARING
Revenue

LB 76	Monday, February 5, 1973	2:00 p.m.
LB 279	Monday, February 5, 1973	2:00 p.m.
LB 283	Monday, February 5, 1973	2:00 p.m.

(Signed) J. W. Burbach, Chairman

Committee on Committees

January 29, 1973

The Committee on Committees will meet at 1:00 p.m., Friday, February 9, 1973, for the purpose of hearing appointments by Governor J. James Exon as follows:

Environmental Control Council

Dr. Anthony J. Catana, Jr.
L. E. Donegan
William R. Hunter
Richard A. Veach
James H. Walston, M. D.

(Signed) Ramey C. Whitney, Chairman

STANDING COMMITTEE REPORT
Public Works

LEGISLATIVE BILL 135. Indefinitely Postponed.

LEGISLATIVE BILL 88. Placed on General File.

LEGISLATIVE BILL 90. Placed on General File as amended. Standing Committee amendments to LB 90:

1. On Page 5, line 9, strike "~~twenty-one~~" and insert "nineteen".
2. On page 6, line 7, strike "twenty" and insert "nineteen".

LEGISLATIVE BILL 144. Placed on General File as amended. Standing Committee amendment to LB 144:

1. On page 3, lines 16 and 20, following "receive" insert "two thousand dollars or actual cost but not to exceed".

LEGISLATIVE BILL 152. Placed on General File as amended. Standing Committee amendments to LB 152:

1. On page 2, lines 21 and 22, strike "from the field where they are harvested to storage or market".
2. On page 6, strike beginning with "from" in line 23 through "market" on line 24 and show old matter as stricken; and in line 27, strike "thirty" and insert "~~thirty~~ ninety".

LEGISLATIVE BILL 188. Placed on General File as amended. Standing Committee amendment to LB 188:

1. On page 4, line 14, delete "~~during any biennium~~", and show as stricken.

(Signed) Maurice A. Kremer

Government, Military and Veteran's Affairs

LEGISLATIVE BILL 12. Placed on General File as amended. Standing Committee amendments to LB 12:

1. On page 3, line 27 after the word "election" insert ", and a resident in the city and district or any area annexed by the city for one year".
2. On page 12, line 11 strike "Six" and insert "~~Six~~ Seven".

(Signed) Ernie Chambers, Chairman

NOTICE OF COMMITTEE HEARING
Constitutional Revision and Recreation

LB 232	Thursday, February 15, 1973	2:00 p.m.
LB 289	Thursday, February 15, 1973	2:00 p.m.

LB 284	Thursday, February 22, 1973	2:00 p.m.

(Signed) George Syas, Chairman

STANDING COMMITTEE REPORT
Constitutional Revision and Recreation

LEGISLATIVE BILL 198. Placed on General File.

(Signed) George Syas, Chairman

NOTICE OF COMMITTEE HEARING
Public Works

LB 206	Wednesday, February 7, 1973	2:00 p.m.
LB 269	Thursday, February 22, 1973	2:00 p.m.
LB 290	Thursday, February 22, 1973	2:00 p.m.

(Signed) Maurice A. Kremer, Chairman

EXPLANATION OF VOTE

Had I been present and voting on January 22, 1973, I would have voted "aye" on LB 2, LB 3, LB 4, LB 6, LB 79, LB 80, LB 81 and LB 83; Had I been present and voting on January 24, 1973, I would have voted "aye" on LB 1 and LB 82.

(Signed) Roland Luedtke

SELECT FILE

LEGISLATIVE BILL 204.

Mr. Carpenter asked unanimous consent to unbracket LB 204. No objections. So ordered.

The Carpenter unanimous consent amendments found in the Journal on page 196 for the Twelfth Day were offered. Mr. Barnett objected.

Mr. Snyder moved to return LB 204 to a Standing Committee for a hearing.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now cease?" The motion prevailed with 29 ayes, 11 nays and 9 not voting.

The motion to return LB 204 prevailed with 30 ayes, 16 nays and 3 not voting.

UNANIMOUS CONSENT—Withdraw LB 151

Mr. Cavanaugh renewed his request to withdraw LB 151 found in the Journal on page 237 for the Sixteenth Day. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS

Agriculture and Environment

LB 66	Thursday, February 8, 1973 (Reset)	2:00 p.m.
LB 194	Thursday, February 8, 1973	2:00 p.m.
LB 195	Thursday, February 8, 1973	2:00 p.m.

LB 263	Friday, February 9, 1973	2:00 p.m.
LB 298	Friday, February 9, 1973	2:00 p.m.
LB 301	Friday, February 9, 1973	2:00 p.m.

(Signed) Loran Schmit, Chairman

Education

LB 145	Monday, February 5, 1973	2:00 p.m.
LB 229	Monday, February 5, 1973	2:00 p.m.
LB 238	Monday, February 5, 1973	2:00 p.m.

(Signed) Jerome Warner, Chairman

Public Health and Welfare

Cancel hearing set for February 6, 1973 – LB 221 and LB 222 and schedule the following:

LB 243	Tuesday, February 6, 1973	2:00 p.m.
LB 285	Tuesday, February 6, 1973	2:00 p.m.

(Signed) Thomas Kennedy, Chairman

Judiciary

LB 202	Monday, February 5, 1973	2:00 p.m.
LB 205	Monday, February 5, 1973	2:00 p.m.
LB 241	Monday, February 5, 1973	2:00 p.m.

LB 162	Tuesday, February 6, 1973	2:00 p.m.
LB 228	Tuesday, February 6, 1973	2:00 p.m.

LB 207	Tuesday, February 6, 1973	2:00 p.m.
LB 237	Wednesday, February 7, 1973	2:00 p.m.
LB 293	Wednesday, February 7, 1973	2:00 p.m.

(Signed) Roland Luedtke, Chairman

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 331. By Syas, 13th District.

A BILL FOR AN ACT to amend section 37-201, 37-226, 37-503, and 37-719, Reissue Revised Statutes of Nebraska, 1943, and sections 37-101, 37-213, and 37-307, Revised Statutes Supplement, 1972, relating to game and fish; to redefine terms; to require permits as prescribed; to change an exception; to prohibit importation of certain wild vertebrate animals; to make it unlawful to release certain species as prescribed; and to repeal the original sections, and also sections 37-229, 37-230, and 37-231, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 332. By Fellman, 4th District.

A BILL FOR AN ACT relating to motor vehicles; to define terms; to provide for the registration and transfer of historic or special interest vehicles as prescribed; and to repeal section 60-311.08, Revised Statutes Supplement, 1972.

LEGISLATIVE BILL 333. By Fellman, 4th District.

A BILL FOR AN ACT to amend sections 48-624 and 48-669, Revised Statutes Supplement, 1972, relating to the Employment Security Law; to increase the maximum weekly benefit amount; to provide for transition; and to repeal the original sections.

LEGISLATIVE BILL 334. By Cavanaugh, 9th District.

A BILL FOR AN ACT relating to civil rights; to provide procedure for enforcement of civil rights of law enforcement officers as prescribed.

LEGISLATIVE BILL 335. By Burbach, 19th District.

A BILL FOR AN ACT to amend sections 2-3201, 2-3202, 2-3213, and 2-3252.01, Revised Statutes Supplement, 1972, relating to natural resources districts; to delete obsolete references to soil and water conservation districts; to repeal the original sections, and also section 2-1507.04, Revised Statutes Supplement, 1972; and to declare an emergency.

ANNOUNCEMENT

President Marsh announced that Senators should have requests for bills to the Bill Drafter by 5:00 p.m. today in order to be introduced by the 20th Legislative Day.

GENERAL FILE

LEGISLATIVE BILL 39. Title Read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 128.

Mr. Stromer moved to advance LB 128.

Mr. Stromer requested a Call of the House. The Call showed 42 members present.

Mr. Wiltse moved the Call be raised. The motion prevailed with 34 ayes, 8 nays and 7 not voting.

Mr. Nore requested a record vote.

Voting in the affirmative, 23:

Barnett Carpenter F. Carstens DeCamp Dickinson
Epke Fellman Fowler Goodrich Keyes
F. Lewis Marsh Marvel Moylan Murphy
Savage Schmit Snyder Stahmer Stromer
Syas Warner Whitney

Voting in the negative, 20:

Anderson Burbach C. Carsten Chambers Clark
Hasebroock Johnson Kelly Kennedy Kime
Kremer R. Lewis Mahoney Maresh Nore
Rasmussen Richendifer Skarda Stull Wiltse

Not voting, 6:

Cavanaugh Duis Luedtke Proud Simpson
Waldron

Failed to advance to E & R for Review with 23 ayes, 20 nays and 6 not voting.

LEGISLATIVE BILL 130. Title read. Considered.

Standing Committee amendment found in the Journal on page 233 for the Sixteenth Day was adopted.

Advanced to E & R for Review with 33 ayes, 0 nays and 16 not voting.

SPEAKER PROUD PRESIDING

LEGISLATIVE BILL 29. Title read. Considered.

Advanced to E & R for Review with 36 ayes, 0 nays and 13 not voting.

LEGISLATIVE BILL 33. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays and 20 not voting.

NOTICE OF COMMITTEE HEARING
Education

LB 218	February 6, 1973	2:00 p.m.
LB 251	February 6, 1973	2:00 p.m.
LB 252	February 6, 1973	2:00 p.m.

(Signed) Jerome Warner, Chairman

VISITORS

President Marsh introduced 34 East Junior High students and their teacher, Mrs. Jo Bracken, Lincoln, Nebraska.

ADJOURNMENT

At 11:47 a.m., on a motion by Mr. Syas, the Legislature adjourned until 10:00 a.m., Tuesday, January 30, 1973.

Vincent D. Brown
Clerk of the Legislature

EIGHTEENTH DAY—JANUARY 30, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

EIGHTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 30, 1973

Pursuant to adjournment the Legislature met at 10:00 a.m., President Marsh presiding.

PRAYER

Prayer was offered by Rev. George Stulac from Inter-Varsity Christian Fellowship of Lincoln.

> Our Father, we acknowledge you as our Father today. This is important to us because we need a Father such as you. We exercise authority in this world, but we too need to have someone in authority over us. We make decisions in this world which affect not only our own lives but also the lives of others. But it is often difficult to discern what the right decision would be. And yet you have declared in Scripture that all authority is from you and that you have a purpose in what we do with our authority. Somehow, therefore, you must be bound up in what we are doing, even when we don't recognize it. So we declare now our submission to your authority, and we do this with thankfulness. We ask you to fulfill in us the promises ofyour Fatherhood today– to assert your authority over us so that we can properly exercise our authority over others; and to teach us an accurate discernment of right and wrong so that we can make proper decisions today. You are the basis of all authority and you are the source of true wisdom. Therefore help us to be attentive to you today. In the name of Jesus Christ. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Fellman who was excused until 10:15 a.m. and Mr. Kime and Mr. Goodrich who were excused.

CORRECTIONS FOR JOURNAL

Line 3 and Line 4, Page 251, should both read LB 151 instead of LB 251. The Journal for the Seventeenth Day was approved as corrected.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 93. Placed on Select File.

LEGISLATIVE BILL 52. Placed on Select File as amended.
E & R amendment to LB 52:

1. On page 2, line 18, strike the second and third commas; in line 19, insert an underscored comma after "lectures"; in line 20, strike the comma; and in line 24, strike "is" and insert "are".

LEGISLATIVE BILL 69. Placed on Select File.

LEGISLATIVE BILL 101. Placed on Select File as amended.
E & R amendments to LB 101:

1. On page 2, line 4, strike ", that"; and in line 13, insert a comma after "act".
2. In lieu of the Schmit amendment, on page 4, line 2, insert "and with the approval of the governing board of any affected hospital" after "assigned".
3. On page 5, line 13, insert a comma after "qualifications".
4. On page 6, line 13, insert a comma after "assistant"; and in line 23, insert " under this act" after "approved".
5. On page 7, lines 20 and 21, strike "sections 84-901 to 84-919" and insert "Chapter 84, article 9".
6. On page 8, line 18, insert a comma after "assistant".
7. On page 9, line 2, strike "physicians" and insert "physician"; in lines 8 and 9 strike "the provisions of"; and in line 9, strike the comma.

Correctly Enrolled

The following bills were correctly enrolled: 15, 16, 56, 142 and 143.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bills: 15, 16, 56, 142 and 143.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 336. By Duis, 39th District.

A BILL FOR AN ACT to amend sections 43-613.01 and 43-614, Revised Statutes Supplement, 1972, relating to the care and education of handicapped children; to provide changes in the programs for which costs are paid; to provide for disbursement of funds as prescribed; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 337. By Burbach, 19th District.

A BILL FOR AN ACT to amend section 2-1504, Revised Statutes Supplement, 1972, relating to the Nebraska Natural Resources Commission; to correct an internal reference; to change provisions for appointments; and to repeal the original section.

LEGISLATIVE BILL 338. By Luedtke, 28th District.

A BILL FOR AN ACT to amend sections 23-1112 and 23-1112.01, Reissue Revised Statutes of Nebraska, 1943, and section 84-306.03, Revised Statutes Supplement, 1972, relating to mileage allowances; to increase the mileage allowances as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 339. By Luedtke, 28th District.

A BILL FOR AN ACT relating to political subdivisions; to permit the governing board of any political subdivision to provide its members with personal liability insurance as prescribed; to permit the payment of the premiums, costs, and expenses of such insurance from the general funds of such political subdivision; and to declare an emergency.

LEGISLATIVE BILL 340. By Keyes, 3rd District.

A BILL FOR AN ACT relating to state officers; to provide for sick leave as prescribed.

LEGISLATIVE BILL 341. By Kelly, 35th District.

A BILL FOR AN ACT to amend sections 3-129, 3-130, and 3-131, Reissue Revised Statutes of Nebraska, 1943, and section 3-128, Revised Statutes Supplement, 1972, relating to aeronautics; to eliminate the requirement of registration of aircraft with the Department of Aeronautics; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 342. By Clark, 47th District.

A BILL FOR AN ACT to amend sections 48-121 and 48-122, Revised Statutes Supplement, 1972, relating to workmen's compensation; to provide for increases in minimum and maximum compensation; and to repeal the original sections.

LEGISLATIVE BILL 343. By Chambers, 11th District.

A BILL FOR AN ACT to amend sections 48-1204 and 48-1206, Reissue Revised Statutes of Nebraska, 1943, and sections 48-1202 and 48-1203, Revised Statutes Supplement, 1972, relating to labor; to change the definition of employee; to increase the minimum rate of wages paid to employees; to provide the Commissioner of Labor with additional authority; and to repeal the original sections.

LEGISLATIVE BILL 344. By Proud, 12th District; Burbach, 19th District.

A BILL FOR AN ACT relating to notification to nonresident property owners of the formation of any special taxing district for public works or public improvements, excepting formation of school districts, by certified mail with return receipt.

LEGISLATIVE BILL 345. By Kelly, 35th District.

A BILL FOR AN ACT relating to cities of the first class; to provide for public transportation authorities; to provide powers and duties; to provide for land acquisition; and to provide for management.

LEGISLATIVE BILL 346. By Kennedy, 21st District.

A BILL FOR AN ACT to amend Article II, paragraph (b), of the Midwest Nuclear Compact; to clarify language; and to repeal the original paragraph.

LEGISLATIVE BILL 347. By Kennedy, 21st District.

A BILL FOR AN ACT to amend section 71-3703, Reissue Revised Statutes of Nebraska, 1943, relating to sanitarians; to change the qualification requirements; and to repeal the original section.

ANNOUNCEMENT

Mr. Carpenter announced that the Executive Board will meet tomorrow, January 31, 1973, at 1:00 p.m. in the Legislative Council Hearing Room.

PERSONAL PRIVILEGE

Mr. Carpenter discussed the appropriation process in light of the Constitutional Amendments. Discussion followed.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 140. With Emergency.

A BILL FOR AN ACT to amend section 8-140, Reissue Revised Statutes of Nebraska, 1943, relating to banking; to provide that loans to active officers or employees may be made as prescribed; to clarify language; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Barnett
Burbach
Carpenter
C. Carsten
Cavanaugh
Chambers
Clark
DeCamp
Dickinson
Duis
Epke
Fellman
Fowler
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kremer
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Nore
Proud
Rasmussen
Richendifer
Savage
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 6:

Anderson
F. Carstens
Goodrich
Kime
F. Lewis
Schmit

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

COMMUNICATION

January 29, 1973

Senator Bill Skarda
Nebraska State Legislature
State Capitol
Lincoln, Nebraska

Dear Senator:

You request our opinion concerning the following questions:

> "Could the Metropolitan Utilities District as an institution, give away property owned by them to a civic group for use as a park facility? Could the Metropolitan Utilities District lease such property to a civic group for the purpose I have previously stated? And finally, could the Metropolitan Utilities District donate such property to the City for use as a park facility?"

While it is our opinion that the Legislature could authorize proprietary districts, such as the metropolitan utility districts, to donate lands for public purposes, such legislation would have to be extremely carefully drawn to pass constitutional scrutiny.

The basic question here seems to be whether a public body can donate money or property to a nonpublic body, in furtherance of a public purpose. This question was answered affirmatively in United Community Services v. The Omaha National Bank, 162 Neb. 786, 77 N. W. 2d 576 (a copy of which is enclosed for your examination).

As the court held in the United Community Services case, however, the legislation authorizing the donation must relate to the whole of a given class of public bodies–not just to one member of a logical class. Thus, if the metropolitan utilities districts are to be given the power to make donations, so must all similar public bodies. Public power districts, for example, might be comparable to utilities districts on the question whether the districts should be permitted to make donations.

In the same manner, the donees should be defined in a manner satisfactory to Art. III, Sec. 18, Constitution of Nebraska, which prohibits special and local legislation. Villages have as much interest in the right to accept gifts as do other municipal and nonprofit corporations. See the United Community Services case, supra.

A given piece of land may be subject to legal restrictions which would prohibit donation, as where the land was condemned. Such problems probably cannot be cured by legislation. This one issue might, as a practical matter, render impossible most donations of the type you propose.

Further, any donation would have to be for a truly "public purpose," and that term should be carefully defined in any legislation. A public park would possibly qualify as such purpose.

In summary of the above, it is our opinion that a metropolitan utilities district might be authorized, by statute, to donate land, for public park purposes, to a nonprofit or municipal corporation. Such legislation would need to consider the problems noted above, and undoubtedly, other problems which we have not attempted exhaustively to suggest.

Yours very truly,

(Signed) CLARENCE A. H. MEYER
Attorney General

(Signed) Calvin E. Robinson
Assistant Attorney General

CER:smh
enc.

STANDING COMMITTEE REPORT
Revenue

LEGISLATIVE BILL 18. Indefinitely postponed.

LEGISLATIVE BILL 19. Placed on General File as amended.

Standing Committee amendments to LB 19:

1. Strike sections 1 and 2 and insert:

"Section 1. There is hereby established the Ad Valorem Advisory Committee to be composed of one county board member and one county assessor from each of the districts set forth in section 2 of this act.

Sec. 2. The state is hereby divided into the following districts for the purposes of this act:

District 1. The counties of Douglas, Sarpy and Lancaster;

District 2. The counties of York, Fillmore, Thayer, Butler, Seward, Saline, Jefferson, Saunders, Gage, Cass, Otoe, Johnson, Nemaha, Pawnee, and Richardson;

District 3. The counites of Keya Paha, Rock, Boyd, Holt, Knox, Antelope, Boone, Nance, Peirce, Madison, Platte, Cedar, Wayne, Stanton, Colfax, Dixon, Cuming, Dodge, Dakota, Thurston, Burt, and Washington;

District 4. The counites of Brown, Blaine, Custer, Dawson, Phelps, Harlan, Loup, Garfield, Valley, Sherman, Buffalo, Kearney, Franklin, Wheeler, Greeley, Howard, Hall, Adams, Webster, Merrick, Hamilton, Clay, Nuckols, and Polk;

District 5. The counties of Arthur, Keith, Perkins, Chase, Dundy, Hooker, McPherson, Lincoln, Hayes, Hitchcock, Thomas, Logan, Frontier, Red Willow, Gosper, and Furnas; and

District 6. The counties of Sioux, Scotts Bluff, Banner, Kimball, Dawes, Box Butte, Morrill, Cheyenne, Sheridan, Garden, Deuel, Cherry, and Grant.

Sec. 3. Within thirty days of the effective date of this act the members of the county boards and the county assessors in each of the districts set forth in section 2 of this act shall select one of their number to serve on the committee. The selections shall be made so that no more than one mmember is selected from any county. The members so named shall take office immediately upon their selection. Of the initial members of the committee, four shall serve until June 30, 1974, four until June 30, 1975, and four until June 30, 1976. Thereafter their successors shall be selected in the same manner for terms of three years each. The first meeting of the committee shall be held in Lincoln upon call of the Tax Commissioner within sixty days of the effective date of this act. At such time the county board members and the county assessors shall separately, by lot under the supervision of the Tax Commissioner, determine the length of term that each shall serve. Such determination shall be so made that the term of two county board members and two county assessors shall expire each year and that the terms of the two members from each district shall not expire in the same year. No member of the committee shall serve more than two full consecutive terms. Seven members of the committee shall constitute a quorum.

Sec. 4. The Tax Commissioner or his designee shall serve as the nonvoting chairman of the committee. The committee may select such other officers as it deems appropriate.

Sec. 5. The committee shall meet at least four times each year or upon call of the chairman or any five members at a time and place to be announced by the Tax Commissioner.

Sec. 6. The committee shall consult with and advise the Tax Commissioner on all aspects of the assessment of property, both real and personal, for purposes of taxation with the objective of attaining equalization of assessments throughout the state as a result of the development and application of uniform assessment standards. The committee may make recommendations for such legislation and for such changes in administrative procedure as it determines may be of assistance in the attainment of such objective. The committee shall study such matters as may be referred to it by the Tax Commissioner and may study such other matters as it may consider appropriate.

Sec. 7. The members of the committee shall receive no compensation for their services as such but shall be reimbursed for their actual and necessary expenses while performing their duties under this act.

Sec. 8. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. In the title, strike lines 2 to 4 and insert:

"FOR AN ACT relating to taxation; to establish the Ad Valorem Advisory Committee as prescribed; and to declare an emergency.".

LEGISLATIVE BILL 132. Advanced to General File as amended.

Standing Committee amendments to LB 132:

On page 2, line 20 after "fee" insert: "for fiscal years 1973 to 1979"

On page 3, line 14 after "fee" insert: "on motor vehicle taxes for fiscal years 1973 to 1979."

On page 5, line 3 after "fee" insert: "for fiscal years 1973 to 1979."

On page 5 line 17 after "77-1250" insert: "which provisions shall be for the purpose of developing appraisal manuals and distributing them to the counties and other incidental expenses for the advisory committee and for engaging competent counsel."

Line 24 strike "the biennium:" and insert "each year".

Line 25 after "fund" insert: ",Provided that, the fee collected under the provisions of sections 77-629, 77-1241.09, and 77-1250, shall not lapse to the General Fund."

(Signed) J. W. Burbach, Chairman

Labor

LEGISLATIVE BILL 112. Indefinitely postponed.

LEGISLATIVE BILL 150. Placed on General File.

(Signed) Richard Maresh, Chairman

NOTICE OF COMMITTEE HEARINGS

Nebraska Retirement Systems

LB 136	Wednesday, February 7, 1973	12:30 p.m.
LB 214	Wednesday, February 7, 1973	12:30 p.m.

LB 215	Wednesday, February 7, 1973	12:30 p.m.
LB 216	Wednesday, February 7, 1973	12:30 p.m.

(Signed) Ramey C. Whitney, Chairman

Appropriations

February 5, 1973 – Monday

LB 259

1:30 p.m. – 2:15 p.m.	Attorney General
2:30 p.m. – 3:15 p.m.	Auditor of Public Accounts
3:30 p.m. – 4:30 p.m.	Supreme Court

February 6, 1973 – Tuesday

LB 259

1:30 p.m. – 3:15 p.m.	Department of Education
3:30 p.m. – 4:30 p.m.	Railway Commission

February 7, 1973 – Wednesday

LB 259

1:30 p.m. – 3:30 p.m.	Game and Parks Commission

February 8, 1973 – Thursday

LB 259

1:30 p.m. – 2:45 p.m.	Health
3:00 p.m. – 4:30 p.m.	ETV

February 9, 1973 – Friday

No Meeting

February 12, 1973 – Monday (Lincoln's Birthday)

2:00 p.m.	Briefing to Education and Appropriation Committee on Community Technical College and legislative considerations.

February 13, 1973 – Tuesday

LB 259

1:30 p.m.	Secretary of State

(Signed) Richard Marvel, Chairman

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 348. By Interim Committee on Truth in Advertising: Waldron, Chairman, 42nd District.

A BILL FOR AN ACT relating to insurance; to adopt the Model Health Maintenance Organization Act.

LEGISLATIVE BILL 349. By Interim Committee on Truth in Advertising: Waldron, Chairman, 42nd District.

A BILL FOR AN ACT relating to insurance; to adopt the model unfair competition and trade practices act; and to repeal Chapter 44, article 15, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 350. By Fellman, 4th District.

A BILL FOR AN ACT relating to public safety; to define terms; to declare certain acts to be unlawful; to provide for violations; to provide penalties; to provide powers and duties for the Commissioner of Labor; and to provide how this act may be citied.

LEGISLATIVE BILL 351. By Luedtke, 28th District.

A BILL FOR AN ACT to amend section 8-355, Revised Statutes Supplement, 1972, relating to banking; to provide state chartered building and loan associations the same privileges as federally chartered associations; and to repeal the original section.

LEGISLATIVE BILL 352. By Retirement Committee: Whitney, Chairman, 44th District; Hasebroock, 18th District; Luedtke, 28th District; Lewis, 45th District; Goodrich, 20th District.

A BILL FOR AN ACT to amend section 23-2318, Reissue Revised Statutes of Nebraska, 1943, relating to the retirement system for counties; to provide when an employee terminating prior to age sixty-five may receive prior service benefits; and to repeal the original section.

LEGISLATIVE BILL 353. By Retirement Committee: Whitney, Chairman, 44th District; Hasebroock, 18th District; Luedtke, 28th District; Lewis, 45th District; Goodrich, 20th District.

A BILL FOR AN ACT to amend section 24-708, Revised Statutes Supplement, 1972, relating to the retirement system for judges; to make retirement mandatory at age seventy; and to repeal the original section.

LEGISLATIVE BILL 354. By Judiciary Committee: Luedtke, Chairman, 28th District.

A BILL FOR AN ACT to adopt the Uniform Probate Code; to provide an operative date; and to repeal sections 24-601 to 24-633, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, and Chapters 30 and 38, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto.

LEGISLATIVE BILL 355. By Johnson, 15th District.

A BILL FOR AN ACT to amend section 79-1110, Reissue Revised Statues of Nebraska, 1943, relating to schools; to make it discretionary whether a Class VI school district shall have an elementary school coordinator; and to repeal the original section.

LEGISLATIVE BILL 356. By Anderson, 37th District.

A BILL FOR AN ACT relating to taxidermists; to provide for licensing of taxidermists; to require duties of the permittee; to provide for violations; to provide penalties; and to provide an operative date.

SELECT FILE

LEGISLATIVE BILL 47. Advanced to E & R for engrossment.

LEGISLATIVE BILL 49. E & R amendments found in the Journal on page 240 for the Seventeenth Day were adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 54. E & R amendment found in the Journal on page 240 for the Seventeenth Day was adopted.

Advanced to E & R for engrossment.

UNANIMOUS CONSENT—Bracket LB 93

Mr. Carpenter asked unanimous consent to bracket LB 93. No objections. So ordered.

MOTION—Suspend Rules

Mr. F. Carstens moved to Suspend the Rules and refer LB 204 to the Executive Board. The motion failed with 9 ayes, 25 nays and 15 not voting.

MOTION—Prepare Bill

Mr. Carpenter moved to direct the Executive Board to prepare a bill for introduction creating a new Building Commission. The motion prevailed with 25 ayes, 15 nays and 9 not voting.

STANDING COMMITTEE REPORT
Government, Military & Veteran's Affairs

LEGISLATIVE BILL 183. Indefinitely postponed.

LEGISLATIVE BILL 74. Placed on General File as amended.
Standing Committee amendments to LB 74:

1. On page 2 lines 16 and 17 strike "~~superintendent, except a part-time superintendent,~~"; in line 17 strike "~~and~~"; and after "attorney" insert ", and the school superintendent, except a part-time school superintendent,".
2. On page 3 lines 2 and 3 strike "~~superintendent, except a part-time superintendent,~~"; in line 3 strike the "~~and~~" before "attorney"; after "attorney" insert a comma "," and strike the "~~and~~"; in line 4 after "court" insert ", and the school superintendent, except a part-time school superintendent,".
3. On page 3 line 12 strike "~~superintendent, except a part-time superintendent,~~: in line 13 strike "~~and~~" before "attorney"; after "attorney" insert a comma "," and strike the "~~and~~", and after "court" insert ", and the school superintendent, except a part-time school superintendent,".
4. On page 3 line 22 strike "~~superintendent, except a part-time superintendent,~~"; in line 23 strike "~~and~~" before "attorney"; after "attorney" insert a comma "," and strike "~~and~~"; and after "court" insert ", and the school superintendent, except a part-time school superintendent,".

LEGISLATIVE BILL 95. Placed on General File as amended.
Standing Committee amendment to LB 95:

1. On page 2 strike the new matter in lines 22 to 25 and insert ", and in the event that the levying board shall represent more than one county, a member or a representative of the governing board shall appear and present its budget at the hearing of each county in which is located a major area of the county affected by its budget.".

LEGISLATIVE BILL 137. Placed on General File.

(Signed) Wally Barnett, Vice-Chairman

GENERAL FILE

LEGISLATIVE BILL 9. Title read. Considered.

Mr. Skarda moved to Indefinitely Postpone LB 9.

Mr. Stromer requested a record vote.

Voting in the affirmative, 10:

Burbach
C. Carsten
Johnson
Kremer
R. Lewis
Maresh
Murphy
Nore
Savage
Syas

Voting in the negative, 27:

Anderson
Barnett
F. Carstens
Cavanaugh
Clark
Dickinson
Duis
Epke
Fellman
Fowler
Hasebroock
Kelly
Keyes
F. Lewis
Luedtke
Mahoney
Marsh
Marvel
Moylan
Proud
Richendifer
Skarda
Snyder
Stahmer
Stromer
Stull
Whitney

Not voting, 12:

Carpenter
Chambers
DeCamp
Goodrich
Kennedy
Kime
Rasmussen
Schmit
Simpson
Waldron
Warner
Wiltse

The motion to indefinitely postpone failed with 10 ayes, 27 nays and 12 not voting.

Mr. Stromer moved to advance LB 9 to E & R for Review.

Mr. Stromer requested a record vote.

Voting in the affirmative, 31:

Anderson
F. Carstens
Cavanaugh
Chambers
Clark
DeCamp
Dickinson
Duis
Epke
Fellman
Fowler
Hasebroock
Kelly
Keyes
Luedtke
Mahoney
Marsh
Marvel
Moylan
Proud
Rasmussen
Richendifer
Savage
Skarda
Snyder
Stahmer
Stromer
Stull
Waldron
Whitney
Wiltse

Voting in the negative, 9:

Burbach
C. Carsten
Johnson
R. Lewis
Maresh
Murphy
Nore
Syas
Warner

Not voting, 9:

Barnett Carpenter Goodrich Kennedy Kime
Kremer F. Lewis Schmit Simpson

Advanced to E & R for Review with 31 ayes, 9 nays and 9 not voting.

STANDING COMMITTEE REPORT

Judiciary

LEGISLATIVE BILL 38. Placed on General File.

LEGISLATIVE BILL 40. Placed on General File as amended.
Standing Committee amendments to LB 40:

1. On page 2, reinstate the stricken matter in lines 3 to 6, and in line 4 strike "shall be" and show stricken, and insert "may be appointed".
2. Strike beginning with "In" on page 2, line 23, through "the" on page 3, line 7, and show the old matter as stricken, and insert "When the county clerk serves as clerk of the county court, he shall receive one thousand dollars annually for such duties, in addition to the salary established pursuant to law for the county clerk. When the county clerk also serves as an associate county judge, he shall receive a minimum additional salary of one thousand dollars annually for such duties. The minimum salary for an associate county judge shall be twenty-four hundred dollars annually, but this minimum shall not apply to associate county judges appointed to serve on a pro tem basis. The".

(Signed) Roland Luedtke, Chairman

Miscellaneous Subjects

LEGISLATIVE BILL 117. Placed on General File.

LEGISLATIVE BILL 118. Placed on General File.

LEGISLATIVE BILL 119. Placed on General File.

LEGISLATIVE BILL 120. Placed on General File.

LEGISLATIVE BILL 121. Placed on General File.

LEGISLATIVE BILL 124. Placed on General File.

(Signed) J. James Waldron, Chairman

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 357. By Warner, 25th District.

A BILL FOR AN ACT relating to motor vehicles; to provide special permits for farm truck-tractor and semitrailer combinations; and to provide a fee therefor.

LEGISLATIVE BILL 358. By Warner, 25th District.

A BILL FOR AN ACT to amend section 79-4,118, Reissue Revised Statutes of Nebraska, 1943, and section 79-4,119, Revised Statutes Supplement, 1972, relating to schools; to provide for loan of textbooks by boards of education as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 359. By Warner, 25th District.

A BILL FOR AN ACT relating to revenue and taxation; to define terms; to provide a special assessment for land devoted to agricultural use; to provide eligibility requirements for such special assessment; and to provide for collection of additional tax.

LEGISLATIVE BILL 360. By Warner, 25th District.

A BILL FOR AN ACT to amend section 28-945, Reissue Revised Statutes of Nebraska, 1943, relating to crimes and punishments; to provide an exemption for certain coin-operated mechanical games; and to repeal the original section.

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on advancing LB 9 to E & R for Review.

(Signed) Terry Carpenter

VISITORS

President Marsh introduced 4 Junior High students and their teachers from Lincoln.

President Marsh introduced Mr. and Mrs. William Auxier and daughter Ruth Ann and Mr. and Mrs. Halley Fishwood from Dawson.

President Marsh introduced 8 Seventh Grade students and their teachers Mrs. Cunningham and Mrs. Nordlund from Willard Grade School, York.

President Marsh introduced Miss Debra Maness who is a Political Science student from Weselyn University.

ADJOURNMENT

At 12:01 p.m., on a motion by Mr. Kremer, the Legislature adjourned until 9:00 a.m., Wednesday, January 31, 1973.

Vincent D. Brown
Clerk of the Legislature

NINETEENTH DAY—JANUARY 31, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

NINETEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 31, 1973

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Marsh presiding.

PRAYER

Prayer was offered by Rev. George Stulac from Inter-Varsity Christian Fellowship of Lincoln.

> Lord, when you lived and walked and spoke on this earth 2000 years ago, you gave such a revealing example of how we should live. When we would pursue personal greatness, you tell us that whoever would be great must be a servant. When we would protect our own rights, you tell us to give even more than people would take from us. When we would love those who support us and hate those who oppose us, you tell us to love our enemies as well as our friends. These seem to be such unnaturally high standards to set for human beings. But that reveals our sin—that they are unnatural standards for us. But you lived this kind of life even as you talked about it. So we look to you for forgiveness and for enabling. We acknowledge the rightness of your standards; help us to follow you today. We pray this with thankfulness for your love to us as we are, even as we seek to become more like you. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Keyes and Syas who were excused; Messrs. Goodrich and Snyder who were excused until 10:00 a.m. and Mr. DeCamp who was absent.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eighteenth Day was approved.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 39. Placed on Select File.

LEGISLATIVE BILL 130. Placed on Select File as amended.
E & R amendments to LB 130:

1. On page 2, line 11, insert an underscored period after the reinstated "secretary"; and strike the period in line 15 and show the same as stricken.
2. In the title, strike lines 5 and 6 and insert "Colleges; to delete a".

LEGISLATIVE BILL 29. Placed on Select File as amended.
E & R amendment to LB 29:

1. On page 2, line 13, strike the comma and show the same as stricken.

LEGISLATIVE BILL 33. Placed on Select File.

(Signed) John J. Cavanaugh, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on January 30, 1973, at 3:10 p.m.: LB 15, LB 16, LB 56, LB 142 and LB 143.

(Signed) Barbara Jackson, Enrolling Clerk

BILLS ON FINAL READING

The following bills were read and put upon final passage.

LEGISLATIVE BILL 141. With emergency.

A BILL FOR AN ACT to amend sections 8-815 and 8-823, Reissue Revised Statutes of Nebraska, 1943, relating to banking; to provide that a personal loan shall include loans made for a period of up to one hundred twenty-one months; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 36.

Anderson
Cavanaugh
Fowler
Barnett
Chambers
Hasebroock
Burbach
Clark
Johnson
Carpenter
Duis
Kennedy
C. Carsten
Epke
Kime

Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Moylan
Murphy
Nore
Proud
Rasmussen
Savage
Schmit
Simpson
Skarda
Stahmer
Stromer
Stull
Waldron
Wiltse

Voting in the negative, 0.

Not voting, 13.

F. Carstens
DeCamp
Dickinson
Fellman
Goodrich
Kelly
Keyes
Marvel
Richendifer
Snyder
Syas
Warner
Whitney

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 253. With emergency.

A BILL FOR AN ACT to amend sections 4, 8, 11, 18, 27, 74, and 77, Legislative Bill 1476, Eighty-second Legislature, Second Session, 1972, section 3, Legislative Bill 1032A, Eighty-second Legislature, Second Session, 1972, and section 1, Legislative Bill 1279A, Eighty-second Legislature, Second Session, 1972; to change appropriations; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 36:

Anderson
Barnett
Burbach
C. Carsten
F. Carstens
Cavanaugh
Chambers
Clark
Dickinson
Duis
Fellman
Fowler
Hasebroock
Johnson
Kelly
Kennedy
Kime
Kremer
F. Lewis
Luedtke
Maresh
Marsh
Marvel
Moylan
Murphy
Proud
Richendifer
Savage
Schmit
Stahmer
Stromer
Stull
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 8:

Carpenter
Epke
R. Lewis
Mahoney
Nore
Rasmussen
Simpson
Skarda

Not voting 5:

DeCamp	Goodrich	Keyes	Snyder	Syas

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 200A. By Stull, 49th District.

A BILL FOR AN ACT to appropriate fifteen thousand dollars from the state General Fund for the period of July 1, 1973 to June 30, 1974 to the Fort Robinson Centennial Commission, Agency No. 82, Program 329, to aid in carrying out the provisions of Legislative Bill 200, Eighty-third Legislature, First Session, 1973.

LEGISLATIVE BILL 361. By Stahmer, 8th District.

A BILL FOR AN ACT to amend sections 83-305, 83-305.01, 83-305.03, 83-308, 83-363, and 83-376, Reissue Revised Statutes of Nebraska, 1943, and section 83-107.01, Revised Statutes Supplement, 1972, relating to care of the mentally ill; to provide for state payment for care; to provide for transfer of control of the Nebraska Psychiatric Institute; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 362. By Dickinson, 31st District.

A BILL FOR AN ACT relating to colleges and universities; to place a restriction upon the use of student activities fees or charges of colleges and universities supported by state appropriations as prescribed; to define a term; to provide duties; and to provide penalties.

LEGISLATIVE BILL 363. By F. Lewis, 45th District.

A BILL FOR AN ACT to amend section 9-103, Uniform Commerical Code; to provide changes relating to the perfection of security interest and the effect of perfection or nonperfection thereof; and to repeal the original section.

LEGISLATIVE BILL 364. By R. Lewis, 38th District.

A BILL FOR AN ACT to amend sections 70-615, and 70-619, Reissue Revised Statutes of Nebraska, 1943, and sections 70-610 and 70-611, Revised Statutes Supplement, 1972, relating to public power districts; to provide for qualified electors; to provide for filing nomination papers; to provide for certifying to the Secretary of State names of the counties, municipalities and election precincts and number of directors to be elected; to provide for filling vacancies; to provide qualifications of directors for holding office; and to repeal the original sections.

LEGISLATIVE BILL 365. By Waldron, 42nd District.

A BILL FOR AN ACT to amend sections 60-509 and 60-534, Reissue Revised Statutes of Nebraska, 1943, and section 60-501, Revised Statutes Supplement, 1972, relating to the Motor Vehicle Safety Responsibility Act; to change the definition of proof of financial responsibility; to increase the minimum limits of motor vehicle liability insurance coverage; and to repeal the original sections.

LEGISLATIVE BILL 366. By Waldron, 42nd District.

A BILL FOR AN ACT to amend sections 53-117, 53-175, and 53-179, Reissue Revised Statutes of Nebraska, 1943, and sections 53-103 and 53-168, Revised Statutes Supplement, 1972, relating to liquors; to define terms; to provide that alcoholic liquors shall not be sold at less then cost by a retail licensee and to provide exceptions to change provisions relating to receiving credit from a manufacturer; to provide how liquor shall be acquired; to change provisions relating to sales on election days as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 367. By Waldron, 42nd District.

A BILL FOR AN ACT to amend section 77-1262, Revised Statutes Supplement, 1972, relating to taxation of livestock; to change the formula for fixing the assessed value of registered herd bulls; and to repeal the original section.

LEGISLATIVE BILL 368. By Duis, 39th District.

A BILL FOR AN ACT to amend section 39-773.01, Revised Statutes Supplement, 1972, relating to regulations governing the use of public roads; to change the provisions relating to trailer brakes as prescribed; and to repeal the original section.

LEGISLATIVE BILL 369. By Moylan, 6th District.

A BILL FOR AN ACT relating to crimes; to authorize revocation of pretrial release for persons charged with an offense, amounting to a felony, who violate their release conditions, who intimidate witnesses or jurors, or commit new offenses while conditionally released; to provide for penalties; and to declare an emergency.

LEGISLATIVE BILL 370. By Chambers, 11th District.

A BILL FOR AN ACT relating to schools; to provide that a teacher shall have access to his personnel file and the right to a written response regarding such file.

LEGISLATIVE BILL 371. By Fowler, 27th District.

A BILL FOR AN ACT to amend section 48-1117, Reissue Revised Statutes of Nebraska, 1943, relating to labor; to provide for investigation of governmental subdivisions by commissioners of the Equal Opportunity Commission as prescribed; and to repeal the original section.

LEGISLATIVE BILL 372. By Fowler, 27th District.

A BILL FOR AN ACT to amend section 48-627, Revised Statutes Supplement, 1972, relating to the Employment Security Law; to eliminate pregnancy as a condition of ineligibility to receive unemployment compensation benefits; and to repeal the original section.

LEGISLATIVE BILL 373. By Fowler, 27th District.

A BILL FOR AN ACT relating to cities and villages, all; to provide duties for a municipality when property is unsafe or unfit for human occupancy.

LEGISLATIVE BILL 374. By Appropriations Committee: Marvel, Chairman, 33rd District; Clark, 47th District; Nore, 22nd District; Johnson, 15th District; Whitney, 44th District; Simpson, 46th District; Marsh, 29th District.

A BILL FOR AN ACT relating to the Game and Parks Commission; to provide for a plan of construction and improvement for all exterior access roads and interior service roads as prescribed.

LEGISLATIVE BILL 375. By Interim Appropriations Committee: Marvel, Chairman, 33rd District; Nore, 22nd District; Johnson, 15th District; Whitney, 44th District; Marsh, 29th District; Simpson, 46th District; Savage, 10th District.

A BILL FOR AN ACT to amend section 83-328, Reissue Revised Statutes of Nebraska, 1943, relating to county boards of mental health; to provide for patient admittance to comprehensive community mental health centers; and to repeal the original section.

LEGISLATIVE BILL 376. By Marvel, 33rd District.

A BILL FOR AN ACT relating to mental health; to provide for comprehensive community mental health services; to provide funding; to provide for regional boards; to provide for regional directors; to provide duties; to fix certain dates; to provide for admission of patients to Douglas County Hospital; to repeal section 83-306, Revised Statutes Supplement, 1972; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 377. By Simpson, 46th District.

A BILL FOR AN ACT to amend section 23-122, Reissue Revised Statutes of Nebraska, 1943, relating to counties; to provide for publishing claims allowed by the county board; and to repeal the original section.

LEGISLATIVE BILL 378. By Rasmussen, 41st District.

A BILL FOR AN ACT to amend section 81-201, Reissue Revised Statutes of Nebraska, 1943, relating to the Department of Agriculture; to authorize the Department of Agriculture to publish and distribute books, pamphlets and other materials valuable to the agricultural interests of the State of Nebraska; to provide for the collection of charges to cover costs of publication and distribution; to create the Department of Agriculture Publications Revolving Fund; and to repeal the original section.

LEGISLATIVE BILL 379. By Fellman, 4th District.

A BILL FOR AN ACT relating to probation officers; to provide for a supplemental salary for certain chief adult probation officers as prescribed.

LEGISLATIVE BILL 380. By Savage, 10th District.

A BILL FOR AN ACT to adopt the Free Flow of Information Act.

SELECT COMMITTEE REPORT

Enrollment and Review

Correctly engrossed

The following bills were correctly engrossed: 47, 49 and 54.

Correctly enrolled

The following bill was correctly enrolled: 140.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed LB 140.

SELECT FILE

LEGISLATIVE BILL 52. E & R amendment found in the Journal on page 256 for the Eighteenth Day was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 69. Laid over at the request of Mr. Carpenter.

UNANIMOUS CONSENT—Unbracket LB 93

Mr. Carpenter asked unanimous consent to unbracket LB 93 and place it at the bottom of Select File. No objections. So Ordered.

SELECT FILE

LEGISLATIVE BILL 101. E & R amendments found in the Journal on page 224 for the Fifteenth Day were adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 93. Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 128. Bracketed at the request of Mr. Stromer.

LEGISLATIVE BILL 122. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 200. Title read. Considered.

Mr. Stull moved to amend LB 200 by striking Section 4 and renumber to Section 5. The motion prevailed.

Advanced to E & R for Review with 33 ayes, 0 nays and 16 not voting.

LEGISLATIVE BILL 35. Passed over at the request of Mr. Maresh.

SPEAKER PROUD PRESIDING

LEGISLATIVE BILL 88. Title read. Considered.

Advanced to E & R for Review with 33 ayes, 0 nays and 16 not voting.

LEGISLATIVE BILL 90. Title read. Considered.

Standing Committee amendments found in the Journal on page 249 for the Seventeenth Day were adopted.

Advanced to E & R for Review with 35 ayes, 0 nays and 14 not voting.

LEGISLATIVE BILL 144. Title read. Considered.

Mr. Kremer moved to reject the Committee amendments that appear in the Journal on page 249 for the Seventeenth Day. The motion prevailed.

Mr. Kremer moved the adoption of the following substitute Committee amendments which were adopted:

On page 3, delete lines 13 through 21 and insert the following: "and, if it is agreed by the Department of Roads, the Railroad, and the political subdivision involved that such grade crossing should be eliminated by closing the street, road, or highway, such political subdivision as shall make such closing shall receive two thousand dollars or actual cost but not to exceed twelve thousand dollars from the Grade Crossing Protection Fund or, if pursuant to 74-1305 R. R. S., it is agreed by the Department of Roads, the Railroad, and the political subdivision involved that such crossing should be eliminated by the removal of such rail line, the political subdivision paying for such removal, if any, shall receive two thousand dollars or actual cost but not to exceed twelve thousand dollars from the Grade Crossing Protection Fund;".

Advanced to E & R for Review with 36 ayes, 0 nays and 13 not voting.

LEGISLATIVE BILL 152. Title read. Considered.

Standing Committee amendments found in the Journal on page 249 for the Seventeenth Day were adopted.

PRESIDENT MARSH PRESIDING

Mr. Whitney offered the following amendment which was adopted:

1. On page 4, line 3, insert "(a)" after "to"; and in line 5, insert ", or (b) the owner of vehicles described in subdivision (1) (c) of this section," after "manufacturer".

Mr. Carpenter moved to indefinitely postpone LB 152. Discussion followed. The motion was withdrawn by unanimous consent.

Mr. Simpson asked unanimous consent to bracket LB 152 on General File. No objections. So ordered.

LEGISLATIVE BILL 188. Title read. Considered.

Standing Committee amendment found in the Journal on page 249 for the Seventeenth Day was adopted.

Mr. Carpenter asked unanimous consent to bracket LB 188. No objections. So ordered.

LEGISLATIVE BILL 12. Title read. Considered.

Standing Committee amendments found in the Journal on page 249 for the Seventeenth Day were adopted.

Mr. Snyder moved to indefinitely postpone LB 12.

Mr. Skarda requested a record vote:

Voting in the affirmative, 12:

Goodrich Hasebroock Johnson Moylan Murphy
Proud Savage Snyder Stromer Stull
Warner Whitney

Voting in the negative, 28:

Anderson Barnett Carpenter C. Carsten F. Carstens
Cavanaugh Chambers Dickinson Duis Fellman
Fowler Kennedy Kime Kremer F. Lewis
R. Lewis Luedtke Mahoney Maresh Marsh
Marvel Nore Rasmussen Richendifer Schmit
Simpson Skarda Waldron

Not voting, 9:

Burbach Clark DeCamp Epke Kelly
Keyes Stahmer Syas Wiltse

The motion lost with 12 ayes, 28 nays and 9 not voting.

Mr. Goodrich moved to bracket LB 12 for one week. The motion failed with 11 ayes, 24 nays and 14 not voting.

Advanced to E & R for Review with 25 ayes, 11 nays and 13 not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on January 31, 1973, at 11:15 a.m.: LB 140.

(Signed) Barbara Jackson, Enrolling Clerk

NOTICE OF COMMITTEE HEARING
Judiciary

LB 223 Wednesday, February 7, 1973 2:00 p.m.

(Signed) Roland A. Luedtke, Chairman

STANDING COMMITTEE REPORT
Judiciary

LEGISLATIVE BILL 14. Placed on General File as amended.
Standing Committee amendments to LB 14:

1. Insert a new section 1 to read as follows:

"Section 1. That section 60-439, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-439. (1) The Attorney General, or a member of his staff, or a practicing attorney designated by the Attorney General, shall defend all civil and criminal actions instituted against the superintendent or any subordinate officer or employee of the Nebraska State Patrol arising from their employment. (2) The superintendent shall provide not less than three agency legal counsels stationed with the Nebraska State Patrol to assist county attorneys in the preparation and prosecution of cases involving drug abuse and to advise the patrol on legal matters.".

2. Renumber original sections 1 and 2 as 2 and 3 respectively.

3. On page 4, line 5 after the semicolon insert "and"; in line 13 strike "; and" and insert "~~; and~~ ."; strike the old matter in lines 14 to 18 and show as stricken.

4. On page 4 line 19 after "section" insert "60-439, Reissue Revised Statutes of Nebraska, 1943, and section", and in line 20 strike "is" and insert "are".

LEGISLATIVE BILL 84. Placed on General File.

(Signed) Roland A. Luedtke, Chairman

Banking, Commerce and Insurance

LEGISLATIVE BILL 158. Indefinitely postponed.

LEGISLATIVE BILL 247. Placed on General File as amended.
Standing Committee amendments to LB 247:
1. On page 2, add an additional section 3:
"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."
2. Amend the title to conform.

(Signed) Fred W. Carstens, Chairman

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 381. By Kelly, 35th District.

A BILL FOR AN ACT to amend section 53-127, Reissue Revised Statutes of Nebraska, 1943, relating to liquor; to provide for licenses for consumption on lands controlled by airport authorities; and to repeal the original section.

LEGISLATIVE BILL 382. By C. Carsten, 2nd District; Wiltse, 1st District.

A BILL FOR AN ACT to amend section 77-2704, Revised Statutes Supplement, 1972, relating to taxation; to provide an exemption from the sales and use taxes; to provide for refunds; and to repeal the original section.

LEGISLATIVE BILL 383. By Fellman, 4th District.

A BILL FOR AN ACT to amend section 60-302.02, Revised Statutes Supplement, 1972, relating to motor vehicle registration; to provide an exception for rental or lease vehicles; and to repeal the original section.

LEGISLATIVE BILL 384. By Nore, 22nd District.

A BILL FOR AN ACT to amend section 60-301, Revised Statutes Supplement, 1972, relating to motor vehicle registration; to change the definition of farm trailer; and to repeal the original section.

LEGISLATIVE BILL 385. By Marvel, 33rd District.

A BILL FOR AN ACT relating to contracts; to limit contracts by or on behalf of the state or any department or agency thereof as prescribed; to provide an exception; and to declare an emergency.

LEGISLATIVE BILL 386. By Snyder, 14th District.

A BILL FOR AN ACT relating to schools; to provide a teacher with time for class preparation during the school day.

LEGISLATIVE BILL 387. By Snyder, 14th District.

A BILL FOR AN ACT relating to corporations; to define terms; to authorize any private or public corporation to apply for a grant for the establishment, operation and maintenance of foreign trade zones and foreign trade sub-zones; to authorize such corporation to select a location of such zones and to make rules and regulations concerning operation and maintenance thereof; and to declare an emergency.

LEGISLATIVE BILL 388. By F. Lewis, 45th District.

A BILL FOR AN ACT to amend sections 79-1501, 79-1520, 79-1522, 79-1522.01, 79-1524, 79-1528, and 79-1531, Reissue Revised Statutes of Nebraska, 1943, relating to the school retirement system; to change the definition of disability retirement allowance; to provide retirement conditions; to provide for changes in the school retirement allowance; to provide the manner by which the monthly formula annuity shall be determined and received; to provide for a monthly annuity to a surviving spouse as prescribed; to raise the deposit paid into the savings fund; and to repeal the original sections.

LEGISLATIVE BILL 389. By Hasebroock, 18th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article III, sections 10 and 14, of the Constitution of Nebraska, relating to the Legislature; to remove the Lieutenant Governor as presiding officer and remove his right to vote in case of ties therein; to provide for presiding officers; to provide for the submission of the proposed amendment to the electors at the general election in November, 1974; to provide for the manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 390. By Murphy, 17th District.

A BILL FOR AN ACT to amend section 44-516, Revised Statutes Supplement, 1972, relating to automobile liability insurance; to provide for notice of cancellation; to provide exceptions; and to repeal the original section, and also section 44-379.01, Revised Statutes Supplement, 1972.

LEGISLATIVE BILL 391. By Interim Committee on Pesticides, Pollution and Environment: Schmit, Chairman, 23rd District.

A BILL FOR AN ACT to amend section 3-128, Revised Statutes Supplement, 1972, relating to the Department of Aeronautics; to change the requirements for certification of aerial pesticide applicators; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 392. By Interim Committee on Pesticides, Pollution and Environment: Schmit, Chairman, 23rd District.

A BILL FOR AN ACT relating to pest control; to provide for licensing of pest control operators; to define terms; to provide for an advisory board; to provide for examinations, hearings, and licenses; to provide for rules and regulations; and to provide penalties and enforcement.

LEGISLATIVE BILL 393. By Schmit, 23rd District.

A BILL FOR AN ACT relating to the Nebraska State Patrol; to provide for a state patrol helicopter.

LEGISLATIVE BILL 394. By Marsh, 29th District.

A BILL FOR AN ACT to amend sections 42-201, 42-202, 42-203, 42-206, and 42-207, Reissue Revised Statutes of Nebraska, 1943, and sections 42-102, 42-359, 42-361, 42-362, 42-365, and 42-366, Revised Statutes Supplement, 1972, relating to husband and wife; to provide that the minimum age for marriage be the same for both men and women; to provide for marriage contracts as prescribed; to provide guidelines for the division and rights to property; to provide provisions regarding contracts and the obligations of such contracts; to provide procedures for the dissolution of marriage and legal separation; to establish a concilation court within each district of the state; to provide penalties; and to repeal the original sections.

LEGISLATIVE BILL 395. By Rasmussen, 41st District.

A BILL FOR AN ACT to amend section 79-1705, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to redefine the duties of certain superintendents; and to repeal the original section.

STANDING COMMITTEE REPORT
Public Health and Welfare

LEGISLATIVE BILL 102. Placed on General File.

(Signed) Thomas Kennedy, Chairman

ANNOUNCEMENTS

The Clerk announced the Executive Board would meet in the Legislative Council Hearing Room today at 1:00 p.m.

The Clerk announced that all the senators are invited to participate in a ETV Program today at 3:45 p.m. at the Nebraska Educational Telecommunications Building.

ADJOURNMENT

At 12:12 p.m., on a motion by Mr. Simpson, the Legislature adjourned until 9:00 a.m., Thursday, February 1, 1973.

Vincent D. Brown
Clerk of the Legislature

TWENTIETH DAY—FEBRUARY 1, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

TWENTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 1, 1973

Pursuant to adjournment, the Legislature met at 9:04 a.m., President Marsh presiding.

PRAYER

Prayer was offered by Rev. George Stulac from Inter-Varsity Christian Fellowship of Lincoln.

> O God, there are many decisions to be made by us today. There will be decisions made here in this room by this group. We will also make countless decisions as individuals concerning the way we relate to people around us, how we spend our time, how we focus our attention and energies. Teach us to make these decisions by standards which are just. Grant us an accurate discernment of our own motives, and then teach us to choose alternatives of love rather than selfishness. We seek to live by faith today—faith that you are real and present and one to be obeyed in our decisions. Help us to see you and to hear you. We ask this in the name of Jesus Christ, that he might be better glorified in our lives. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Proud who was excused, DeCamp who was excused until 11:15 a.m., and Keyes who was excused.

CORRECTIONS FOR JOURNAL

Page 279, line 14, delete "General" and insert "Select".
The Journal for the Ninteenth Day was approved as corrected.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 9. Placed on Select File.

(Signed) John J. Cavanaugh, Chairman

REFERENCE COMMITTEE REPORT

LB	Committee
204	Government, Military and Veteran's Affairs
316	Public Works
317	Judiciary
318	Revenue
319	Public Works
320	Labor
321	Education
322	Government, Military and Veteran's Affairs
323	Constitutional Revision and Recreation
324	Public Works
325	Miscellaneous Subjects
326	Miscellaneous Subjects
327	Miscellaneous Subjects
328	Constitutional Revision and Recreation
329	Judiciary
330	Miscellaneous Subjects
331	Constitutional Revision and Recreation
332	Public Works
333	Labor
334	Judiciary
335	Public Works
336	Education
337	Agriculture and Environment
338	Government, Military and Veteran's Affairs
339	Banking, Commerce and Insurance
340	Government, Military and Veteran's Affairs
341	Government, Military and Veteran's Affairs
342	Labor
343	Labor
344	Revenue
345	Urban Affairs
346	Public Works
347	Public Health and Welfare
348	Public Health and Welfare
349	Banking, Commerce and Insurance
350	Labor
351	Banking, Commerce and Insurance
352	Nebraska Retirement System
353	Nebraska Retirement System
354	Judiciary
355	Education
356	Constitutional Revision and Recreation
357	Public Works

358	Education
359	Revenue
360	Judiciary
361	Public Health and Welfare
362	Education
363	Judiciary
364	Public Works
365	Public Works
366	Miscellaneous Subjects
367	Revenue
368	Public Works
369	Judiciary
370	Education
371	Labor
372	Labor
373	Urban Affairs
374	Constitutional Revision and Recreation
375	Public Health and Welfare
376	Public Health and Welfare
377	Government, Military and Veteran's Affairs
378	Agiriculture and Environment
379	Judiciary
380	Judiciary
381	Miscellaneous Subjects
382	Revenue
383	Public Works
384	Public Works
385	Appropriations
386	Education
387	Judiciary
388	Nebraska Retirement Systems
389	Constitutional Revision and Recreation
390	Banking, Commerce and Insurance
391	Agriculture and Environment
392	Agriculture and Environment
393	Government, Military and Veteran's Affairs.
394	Judiciary
395	Education
261	Re-referred from Public Health and Welfare to Judiciary Committee

(Signed) Terry Carpenter, Chairman

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 99.

A BILL FOR AN ACT to amend section 35-101, Revised Statutes Supplement, 1972, relating to volunteer firemen; to remove the exemption of volunteer members in any fire company or hook and ladder company from serving upon grand and petit juries in this state; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Clark
Dickinson
Duis
Epke
Fellman
Goodrich
Hasebroock
Kelly
Kennedy
Kremer
F. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Nore
Rasmussen
Richendifer
Savage
Simpson
Skarda
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 1:

Snyder

Not voting, 10:

Cavanaugh
Chambers
DeCamp
Fowler
Johnson
Keyes
Kime
R. Lewis
Proud
Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

RESOLUTIONS

LEGISLATIVE RESOLUTION 12.

Introduced by F. Lewis, 45th District.

WHEREAS, school districts in Nebraska for more than twenty years have provided educational services for dependents of Federally connected families; and

WHEREAS, prorations of Public Law 874 and Public Law 815 have occurred during the past several years, and the Federal Government has failed to provide any assurance of the amount of funding to be provided; and

WHEREAS, the citizens of Nebraska as well as those of the affected districts are proud to have Offutt Air Force Base located in Nebraska and are concerned with its vitality as it serves the entire country; and

WHEREAS, the Federal Government has a responsibility to the dependents of military personnel and those school districts which provide education to those dependents; and

WHEREAS, all children, including military dependents are entitled to a sound and stable educational program; and

WHEREAS, the budget recommendations for fiscal year 1974 are wholly inadequate to provide an equal educational opportunity for pupils attending districts affected by Federal activities; and

WHEREAS, it is to the best interest of all concerned that these school districts continue to provide educational services for the Federally connected pupils.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That Congress is requested and urged to provide relief for heavily impacted areas under Public Law 874 and Public Law 815.
2. That the President is requested to review his recommendation regarding funding of impacted areas under Public Law 874 and Public Law 815 and to provide that such funding be continued at its present level.
3. That because of the continuing concern of this Legislature, which is also a continuing concern of the Governor of Nebraska, and because of the extraordinary importance of the matter that a copy of this resolution be transmitted jointly by this Legislature and the Governor of the State to:

The President of the United States of America; The Secretary of the Department of Defense; The Secretary of the Department of Health, Education and Welfare; The Nebraska Congressional Delegation; and The Commanding General, SAC Air Force Base.

Mr. F. Lewis moved to suspend the rules to take up LR 12 at this time. The motion prevailed with 34 ayes, 0 nays and 15 not voting.

LR 12 was adopted with 38 ayes, 0 nays and 11 not voting.

SELECT COMMITTEE REPORT
Correctly Enrolled

The following bills were correctly enrolled: 253 and 141.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bills: 253 and 141.

UNANIMOUS CONSENT–Expedite Bills

Mr. Marvel asked unanimous consent to expedite LB 253 and LB 141. No objections. So ordered.

UNANIMOUS CONSENT—Member Excused

Mr. Waldron asked unanimous consent to be excused Friday, February 2, 1973. No objections. So ordered.

EXPLANATION OF VOTE

Had I been present January 31, 1973, I would have voted to kill LB 12 and against its advancement; and "aye" on LB 141 on Final Reading.

(Signed) George Syas

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 396. By Whitney, 44th District.

A BILL FOR AN ACT to amend section 72-1246, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Investment Council; to provide for additional authorized investments; and to repeal the original section.

LEGISLATIVE BILL 397. By Clark, 47th District.

A BILL FOR AN ACT to amend sections 66-404 and 66-609, Reissue Revised Statutes of Nebraska, 1943, relating to motor fuel dealer's bonds; to change certain bond requirements; and to repeal the original sections.

LEGISLATIVE BILL 398. By Maresh, 32nd District.

A BILL FOR AN ACT relating to cities of the second class; to provide that access roads to the National System of Interstate and Defense Highways shall be a part of the state highway system; and to provide certain qualifications.

LEGISLATIVE BILL 399. By Anderson, 37th District.

A BILL FOR AN ACT to amend section 85-502.01, Reissue Revised Statutes of Nebraska, 1943, relating to state educational institutions; to provide conditions for an emancipated minor and student to be considered domiciled in this state; and to repeal the original section.

LEGISLATIVE BILL 400. By Anderson, 37th District.

A BILL FOR AN ACT to amend section 54-134, Revised Statutes Supplement, 1972, relating to the brand inspection area; to remove territory from the area; and to repeal the original section.

LEGISLATIVE BILL 401. By Anderson, 37th District.

A BILL FOR AN ACT to amend section 77-1205, Reissue Revised Statutes of Nebraska, 1943, relating to taxation; to provide who shall list the livestock for assessment; to provide where such livestock shall be assessed; and to repeal the original section.

LEGISLATIVE BILL 402. By Anderson, 37th District.

A BILL FOR AN ACT to amend section 79-311, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide for contracts with educational service units to perform the duties of county superintendents; and to repeal the original section.

LEGISLATIVE BILL 403. By Stahmer, 8th District.

A BILL FOR AN ACT to amend sections 79-202 and 79-444, Reissue Revised Statutes of Nebraska, 1943, and sections 43-604, 43-605, 43-609, 43-613, 43-620, 43-625, and 43-626, Revised Statutes Supplement, 1972, relating to the care and education of handicapped children; to provide a meaningful educational program for handicapped children as prescribed; to provide for the cost of such program; to define terms; to repeal the original sections, and also sections 43-610, 43-627, and 79-203, Reissue Revised Statutes of Nebraska, 1943, and sections 43-612, 43-613.01, 43-614, 43-615, 43-615.01, and 43-628, Revised Statutes Supplement, 1972; and to declare an emergency.

LEGISLATIVE BILL 404. By Snyder, 14th District.

A BILL FOR AN ACT relating to social services; to provide work incentive programs; to provide administration; to provide guidelines; and to provide requirements for participation.

LEGISLATIVE BILL 405. By Savage, 10th District.

A BILL FOR AN ACT to amend section 44-221, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to facilitate the orderly repayment of surplus notes issued; and to repeal the original section.

LEGISLATIVE BILL 406. By Savage, 10th District.

A BILL FOR AN ACT to amend section 8-302, Reissue Revised Statutes of Nebraska, 1943, relating to building and loan associations; to authorize debenture investments and investments in insurance companies insuring the accounts of building and loan associations; and to repeal the original section.

LEGISLATIVE BILL 407. By Savage, 10th District.

A BILL FOR AN ACT to repeal section 79-1247.06, Reissue Revised Statutes of Nebraska, 1943, relating to schools.

LEGISLATIVE BILL 408. By Savage, 10th District.

A BILL FOR AN ACT to amend section 79-803.05, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide for duties of treasurers of certain Class III school districts as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 409. By Savage, 10th District.

A BILL FOR AN ACT relating to civil procedure; to define terms; and to provide a statute of limitations for certain actions.

LEGISLATIVE BILL 410. By Burbach, 19th District.

A BILL FOR AN ACT to amend sections 89-183, 89-187, 89-188, 89-189, 89-1,100, 89-1,101, 89-1,102, and 89-1,103, Revised Statutes Supplement, 1972, relating to weights and measures; to redefine weights and measures; to change registration fees and disposition thereof; to establish measuring device repairman and procedures for licensing and supervision of same; to bring the enforcement procedure in line with sections 29-812 to 19-829, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto; and to repeal the original sections.

LEGISLATIVE BILL 411. By Waldron, 42nd District.

A BILL FOR AN ACT relating to insurance; to define terms; to provide for licensing of insurance consultants; and to provide for penalties.

LEGISLATIVE BILL 412. By Nore, 22nd District.

A BILL FOR AN ACT relating to schools; to provide for meetings of Class VI districts and publication of proceedings as prescribed; and to declare an emergency.

LEGISLATIVE BILL 413. By Nore, 22nd District.

A BILL FOR AN ACT to amend section 79-1103, Revised Statutes Supplement, 1972, relating to schools; to dispense with annual meetings for Class VI districts; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 414. By Stromer, 36th District.

A BILL FOR AN ACT relating motor vehicle operators' licenses; to provide for required courses of approved driver training and educational sessions; to provide procedures; to provide for enforcement; to amend section 39-7,129, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original section.

LEGISLATIVE BILL 415. By Maresh, 32nd District.

A BILL FOR AN ACT to amend section 60-301, Revised Statutes Supplement, 1972, relating to motor vehicles; to change a definition; and to repeal the original section.

LEGISLATIVE BILL 416. By R. Lewis, 38th District.

A BILL FOR AN ACT relating to the care and education of mentally retarded children; to provide that a parent or guardian may be reimbursed for care, treatment, and training of such child as prescribed.

LEGISLATIVE BILL 417. By Fowler, 27th District.

A BILL FOR AN ACT to amend section 60-506, Reissue Revised Statutes of Nebraska, 1943, and section 60-507, Revised Statutes Supplement, 1972, relating to financial responsibility; to provide a penalty; to increase the amount of property damage; to require proof of financial responsibility; and to repeal the original sections.

LEGISLATIVE BILL 418. By Fowler, 27th District.

A BILL FOR AN ACT to amend sections 71-1104, 71-1105, 71-1107, 71-1108, 17-1111, and 71-1112, Reissue Revised Statutes of Nebraska, 1943, relating to public health; to change requirements relating to the sale of prophylactic devices; to provide for sales licenses; and to repeal the original sections, and also section 71-1109, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 419. By Fowler, 27th District.

A BILL FOR AN ACT relating to public health; to provide for control of beverage containers; to define terms; to provide for enforcement; to provide penalties; to provide for legislative study; and to provide an operative date.

LEGISLATIVE BILL 420. By Retirement Committee: Whitney, 44th District, Chairman; Goodrich, 20th District; Hasebroock, 18th District; Luedtke, 28th District; F. Lewis, 45th District.

A BILL FOR AN ACT to repeal sections 14-610 to 14-620 and 14-705 to 14-708, Reissue Revised Statues of Nebraska, 1943, and amendments thereto, relating to cities of the metropolitan class.

LEGISLATIVE BILL 421.. By Kime, 43rd District.

A BILL FOR AN ACT relating to reserves and sanctuaries for game and fish; to provide a wild life preserve within Spring Valley Park and the Vic Thompson Centennial Memorial Forest; and to provide powers and duties for the Game and Parks Commission.

LEGISLATIVE BILL 422. By Johnson, 15th District.

A BILL FOR AN ACT relating to schools; to provide procedures for termination or amendment of contracts.

LEGISLATIVE BILL 423. By Retirement Committee: Hasebroock, 18th District, Vice-Chairman; Luedtke, 28th District; Goodrich, 20th District.

A BILL FOR AN ACT to amend sections 85-304 and 85-320, Reissue Revised Statutes of Nebraska, 1943, and section 85-106, Revised Statutes Supplement, 1972, relating to retirement provisions for higher education personnel; to provide for a maximum contribution; to provide retirement benefits for employees of State Technical Community College Boards; to provide for investment of funds; and to repeal the original sections.

LEGISLATIVE BILL 424. By Johnson, 15th District.

A BILL FOR AN ACT to amend sections 60-311.07, 60-312, 60-323, 60-339, and 60-341, Reissue Revised Statutes of Nebraska, 1943, and sections 60-301, 60-305.11, 60-310, 60-315, and 60-320, Revised Statutes Supplement, 1972, relating to motor vehicles; to change the method of registering passenger cars; to provide for an operative date; and to repeal the original sections.

LEGISLATIVE BILL 425. By R. Lewis, 38th District.

A BILL FOR AN ACT relating to insurance; to provide for unauthorized transactions; to provide procedures for enforcing the act; and to provide penalties.

LEGISLATIVE BILL 426. By Anderson, 37th District.

A BILL FOR AN ACT relating to the militia; to provide for payment of one thousand dollars to any six-year volunteer; and to provide for distinctive license plates for militiamen.

LEGISLATIVE BILL 427. By Interim Committee on Coordination on Higher Education: Stull, 49th District, Chairman; Goodrich, 20th District; Lewis, 38th District; Snyder, 14th District; Marvel, 33rd District; Barnett, 26th District; Epke, 24th District.

A BILL FOR AN ACT relating to higher education; to establish a financial assistance program; to create the Nebraska Commission on Postsecondary Student Aids; to define terms; and to provide qualifications for grants.

LEGISLATIVE BILL 428. By Whitney, 44th District.

A BILL FOR AN ACT relating to state employees; to provide for creation of deferred compensation agreements for state employees; and to allow the state to provide funding for such agreements.

LEGISLATIVE BILL 429. By Nore, 22nd District.

A BILL FOR AN ACT to amend section 79-439, Revised Statutes Supplement, 1972, relating to schools; to provide for school board meetings as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 430. By Nore, 22nd District.

A BILL FOR AN ACT to amend section 79-501, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide for annual meetings of first class districts as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 431. By Marvel, 33rd District.

A BILL FOR AN ACT to amend sections 81-1120.08 and 81-1120.09, Reissue Revised Statutes of Nebraska, 1943, relating to state administrative departments; to provide procedure for charging for telecommunicating; to create a cash fund; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 432. By Interim Appropriations Committee: Marvel, 33rd District, Chairman; Clark, 47th District, Nore, 22nd District; Johnson, 15th District; Whitney, 44th District; Marsh, 29th District; Savage, 10th District.

A BILL FOR AN ACT relating to the State Department of Education; to provide for an educational program for acoustically handicapped children as prescribed; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 433. By Marsh, 29th District.

A BILL FOR AN ACT to amend section 43-504, Revised Statutes Supplement, 1972, relating to dependent children; to redefine terms; and to repeal the original section.

LEGISLATIVE BILL 434. By Waldron, 42nd District.

A BILL FOR AN ACT to amend sections 3-148 and 3-149, Reissue Revised Statutes of Nebraska, 1943, relating to aircraft gasoline tax; to reduce the tax on fuels purchased for and used in aircraft within the State of Nebraska as prescribed; and to repeal the original sections, and also section 3-150.01, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 435. By Nore, 22nd District.

A BILL FOR AN ACT to amend section 79-803.03, Revised Statutes Supplement, 1972, relating to schools; to provide for nomination and election of school board members as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 436. By Cavanaugh, 9th District.

A BILL FOR AN ACT to amend section 43-106, Reissue Revised Statutes of Nebraska, 1943, and section 43-104, Revised Statutes Supplement, 1972, relating to adoptions; to provide for foreign consent authorization; to provide acknowledgment of foreign consents; and to repeal the original sections.

LEGISLATIVE BILL 437. By Barnett, 26th District.

A BILL FOR AN ACT relating to motor vehicles; to require proof of financial responsibility before any motor vehicle may be registered as prescribed; to require that such financial responsibility be maintained; to provide for the revocation of registrations; to provide for rules and regulations; to make certain acts unlawful; to provide penalties; and to provide an operative date.

LEGISLATIVE BILL 438. By Waldron, 42nd District.

A BILL FOR AN ACT to amend section 75-303, Revised Statutes Supplement, 1972, relating to intrastate motor carriers; to redefine terms; and to repeal the original section.

LEGISLATIVE BILL 439. By Interim Committee on Pesticides, Pollution and Environment: Schmit, 23rd District, Chairman.

A BILL FOR AN ACT to appropriate two million dollars from the state General Fund to the Department of Environmental Control, Agency 84, to aid in defraying expenses previously provided by the rural environmental assistance program.

LEGISLATIVE BILL 440. By F. Lewis, 45th District.

A BILL FOR AN ACT to amend sections 79-442.01 and 79-2214, Revised Statutes Supplement, 1972, relating to schools; to provide that insurance coverages may be collectively or individually provided; to include superintendents, administrators, and directors within such coverage; and to repeal the original sections.

LEGISLATIVE BILL 441. By Murphy, 17th District.

A BILL FOR AN ACT to adopt the One Bank Holding Company Act of 1973.

SELECT FILE

LEGISLATIVE BILL 69. Bracketed until Wednesday, February 7 at request of Carpenter.

LEGISLATIVE BILL 39. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 130. E & R amendments found in the Journal on page 273 for the Nineteenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 29. E & R amendment found in the Journal on page 273 for the Nineteenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 33. Advanced to E & R for Engrossment.

MOTION—Place LB 112 on General File

Mrs. Marsh moved to place LB 112 on General File notwithstanding the committee action.

Motion pending.

MOTION—Computer Study

Mr. Carpenter moved that the Legislature adopt the proposal for a computer study.

The motion prevailed with 41 ayes, 0 nays and 8 not voting.

MOTION—Desk Pens

Mr. Carpenter moved that the Legislature approve the purchase of desk pens for all members of the Legislature.

Mr. Carpenter asked unanimous consent to withdraw the motion. No objections. So ordered.

MOTION—Executive Board Authority

Mr. Carpenter moved that the Executive Board be directed to use its discretion to carry out its responsibilities to provide for needs of the Legislature and its staff and that when the Executive Board by a majority vote authorize and directs the chairman to pursue some action and that this body stand behind that action.

Mr. Skarda moved the previous question. The question is "Shall the debate now cease?" The motion prevailed with 28 ayes, 7 nays and 14 not voting.

The Carpenter motion prevailed with 27 ayes, 6 nays and 16 not voting.

STANDING COMMITTEE REPORT

Public Health and Welfare

LEGISLATIVE BILL 89. Indefinitely Postponed.

(Signed) Thomas C. Kennedy, Chairman

Government, Military & Veteran's Affairs

LEGISLATIVE BILL 174. Placed on General File as amended.
Standing Committee amendment to LB 174:
1. On page 2, line 24, after "Nebraska," insert "which petitions shall be filed with the Secretary of State not less than seventy days prior to the date of the primary election"; and in line 26 before "electors" insert "registered".

(Signed) Wally Barnett, Vice-Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on February 1, 1973, at 9:35 a.m.: LB 141 and LB 253.

(Signed) Barbara Jackson, Enrolling Clerk

NOTICE OF COMMITTEE HEARINGS

Miscellaneous Subjects

LB 53	Thursday, February 8, 1973	2:00 p.m.
LB 179	Thursday, February 8, 1973	2:00 p.m.
LB 224	Thursday, February 8, 1973	2:00 p.m.
LB 246	Thursday, February 8, 1973	2:00 p.m.

(Signed) J. James Waldron, Chairman

Banking, Commerce & Insurance

LB 296	Tuesday, February 20, 1973	2:00 p.m.
LB 309	Tuesday, February 20, 1973	2:00 p.m.
LB 312	Tuesday, February 20, 1973	2:00 p.m.
LB 305	Tuesday, February 20, 1973	2:00 p.m.

(Signed) Fred W. Carstens, Chairman

Agriculture and Environment

LB 337	Thursday, February 8, 1973	2:00 p.m.

(Signed) Loran Schmit, Chairman

Government, Military & Veterans Affairs

LB 34	Thursday, February 8, 1973	2:00 p.m.
LB 219	Thursday, February 8, 1973	2:00 p.m.
LB 277	Thursday, February 8, 1973	2:00 p.m.
LB 271	Friday, February 9, 1973	2:00 p.m.
LB 274	Friday, February 9, 1973	2:00 p.m.

(Signed) Ernie Chambers, Chairman

MOTION—Rule Changes

Mr. Duis moved the adoption of the following rule change to Rule 7, Section 5, page 38 as referred to on page 234 of the Legislative Journal as follows:

A call of the Legislature may be made by any member in the manner following: "I move for a call of the Legislature". The presiding officer shall direct that the board be cleared and the members shall then vote on placing themselves under call. If a majority of the senators present and voting vote in favor of such a motion then the Legislature shall be deemed to be under call. Each member present shall indicate his presence upon the electric roll call system and shall remain in his seat during the call. After the Clerk shall note the names of the absentees, proceedings under the call may be suspended at any time by a majority vote of the members then present, and when so suspended shall not again be ordered on the proposition pending, except by a majority vote of the members elected. If all absentees were to vote on one side of the question, and if their combined vote would be insufficient to change the result of the vote, the President shall declare the call raised.

Lieutenant Governor votes only when Legislature equally divided. (Rule 1, Sec. 14, page 4).

Voice vote while House under call. (Rule 7, Sec. 2b, page 36).

Mr. Carpenter requested a Call of the House. The Call showed 41 members present.

Mr. Hasebroock moved the Call be raised. The motion prevailed with 38 ayes, 0 nays and 11 not voting.

The Rule Change was adopted with 33 ayes, 6 nays and 14 not voting.

Mr. Duis moved the adoption of the following rule change to Rule 7, Section 9, page 40 as referred to on page 235 in the Legislative Journal as follows:

A motion to adjourn shall be in order, except:

a. While a member is speaking.
b. When a motion to adjourn has just been defeated.
c. After the Final Reading of a bill and during roll call thereon.
d. When the same is made for dilatory purposes.

A motion to adjourn takes precedence over all motions except a call of the house and shall not be subject to debate. A motion to adjourn to a time certain shall be subject to debate and amendment. A motion to recess shall take precedence over either of such motions.

Any motion to recess, to adjourn or to adjourn to a time certain may be adopted by a majority of those voting on the motion.

The Rule Change failed with 11 ayes, 18 nays and 20 not voting.

MOTION—Rule Changes

RULE 4, RESOLUTIONS AND MEMORIALS

Section 1. Identifications. A resolution shall be designated as Legislative Resolution ____. The resolutions shall be numbered consecutively ~~through odd and even numbered sessions~~ for each Legislature. All other resolutions shall be read by the Clerk upon introduction and shall be printed in the Legislative Journal.

Sec. 2. When Considered as a Bill. Resolutions which propose amendments to the state constitution, propose the ratification of amendments to the federal constitution, or the rejection, change, alteration, amendment, or modification of rules under the provisions of section 84-504, Reissue Revised Statutes of Nebraska, 1943, shall be considered and adopted in the same manner as bills.

(Const. Art. III, Secs. 13, 14; Art. XVI, Sec. 1.)

Sec. 3. Study Resolution. Resolutions which propose that studies be made by the Legislative Council shall be first referred to the Executive Board of the Legislative Council, this Board to submit a report with each resolution recommending that the proposed study be made or rejected. The ~~Executive Board of the Legislative Council~~ Legislature shall determine the time and number of interim studies. All such studies authorized by the Legislature shall be referred to the appropriate permanent standing or special committee by the Executive Board.

(RRS 50-404)

Sec. 4. Only those resolutions specified in sections 2 and 3 of this Rule shall be voted on by the Legislature. Should the rules be suspended to permit a vote upon a resolution it shall then be considered adopted only by an affirmative vote of a majority of the elected members.

Sec. 5. The Clerk shall hold all ~~such~~ resolutions not otherwise disposed of until the fifth legislative day after introduction or until the last day of the session, whichever first occurs, during which any member may add his name as introducer thereof. The Clerk shall retain the original of all such resolutions in his file and, if called for in the resolution, make and dispose of copies thereof accordingly, provided, however, that resolutions not adopted in accordance with Secs. 2, 3 or 4 above shall be considered adopted only when there shall have been a majority of the elected members sign the said resolution.

Sec. 6. Resolutions which are filed with the Clerk may be explained by the signer thereof either on the day of introduction or any of the 5 succeeding legislative days.

Sec. ~~6~~ 7. Only those resolutions specified in sections 2 and 3 of this Rule shall be engrossed, unless otherwise ordered by the Legislature or unless the nature of the resolution is such that upon its adoption it must be engrossed to properly achieve the purpose for which it was presented.

Sec. 8. Reference to Committee. Resolutions other than those covered by Secs. 2 and 3 of this rule may be referred to a committee if a motion to do so is adopted by a majority of the elected members.

Sec. ~~7~~ 9. Reviving Resolution Killed by Committee. If the standing committee report on a resolution to be postpone indefinitely the resolution shall stand indefinitely postponed; Provided, that such resolution may be considered by the members of the Legislature ~~or referred back to the standing committee by~~ if a majority vote of ~~all~~ the elected members so direct, provided the ~~upon~~ motion is made within three legislative days after the committee makes its report to the Legislature~~,~~. ~~or by a two-thirds vote of all elected members upon motion made more than three legislative days after such committee report. Not more than one resolution shall be raised from committee on any one motion.~~ A motion to raise cannot be amended to include any other resolution or subject matter.

(For public hearing. Rule 3, Sec. 5, page 12.)

Sec. 10. Resolutions referred to General File may be adopted by a majority vote of the elected members, unless otherwise provided for herein. (See Sec. 2.)

(Emergency seat of government; Resolution providing for, must be signed by Governor. RRS 23-2103. 1943. by Governor.)

(Signed) Roland Luedtke

Referred to the Rules Committee.

ANNOUNCEMENT

Mr. Carpenter announced that the Executive Board would meet at 1:00 p.m. for the purpose of referral of bills.

UNANIMOUS CONSENT—Member Excused

Mr. Kennedy asked unanimous consent to be excused Friday until he arrives. No objections. So ordered.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 442. By Rasmussen, 41st District.

A BILL FOR AN ACT relating to elevators; to require that elevators be equipped with safety devices as prescribed; and to repeal section 48-418.13, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 443. By Epke, 24th District.

A BILL FOR AN ACT to amend section 60-1402, Revised Statutes Supplement, 1972, relating to motor vehicles; to provide for a motorcycle dealer on the Nebraska Motor Vehicle Industry Licensing Board; and to repeal the original section.

LEGISLATIVE BILL 444. By Syas, 13th District.

A BILL FOR AN ACT to amend section 81-1528, Revised Statutes Supplement, 1972, relating to the Environmental Protection Act; to disallow the air pollution exemption for political subdivisions; to provide when the same shall become operative; and to repeal the original section.

LEGISLATIVE BILL 445. By F. Lewis, 45th District.

A BILL FOR AN ACT relating to the school retirement system; to provide for an increase in the state service annuity of each retired school employee as prescribed.

LEGISLATIVE BILL 446. By Cavanaugh, 9th District.

A BILL FOR AN ACT to amend section 43-236, Reissue Revised Statutes of Nebraska, 1943, relating to juvenile courts; to provide for selection of presiding judges as prescribed; and to repeal the original section.

LEGISLATIVE BILL 447. By Luedtke, 28th District.

A BILL FOR AN ACT relating to a state office building; to provide for a State Office Building Commission, its members, expenses, compensation, and duties; to provide where such a building shall be erected; to provide for the State Office Building Fund and the expenditure thereof; to exempt certain acts from the supervision of the Governor and the Director of Administrative Services; to provide for conveying certain real estate to the city of Lincoln as prescribed; to amend sections 72-1404 and 81-1108.06, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original sections, and also sections 72-716.01, 72-716.02, 72-718.03, 72-718.04, 72-718.05, and 72-719, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 448. By Simpson, 46th District; Barnett, 26th District; Fowler, 27th District.

A BILL FOR AN ACT relating to cities of the primary class; to provide for election of the members of the city council from districts; to designate districts; and to declare an emergency.

LEGISLATIVE BILL 449. By Johnson, 15th District.

A BILL FOR AN ACT relating to fluoridation; to provide for mandatory fluoridation of water supplies by all political subdivisions; and to repeal sections 71-3301, 71-3303, and 71-3304, Reissue Revised Statutes of Nebraska, 1943, and section 71-3302, Revised Statutes Supplement, 1972.

LEGISLATIVE BILL 450. By Stahmer, 8th District.

A BILL FOR AN ACT to amend sections 79-426.05, 79-426.08, 79-426.11, and 79-426.16, Reissue Revised Statutes of Nebraska, 1943, and section 79-426.15, Revised Statutes Supplement, 1972, relating to schools; to change certain provisions relating to county committees; and to repeal the original sections.

LEGISLATIVE BILL 451. By Burbach, 19th District.

A BILL FOR AN ACT relating to crimes and punishments; to define terms; to prohibit obscenity as prescribed; to provide penalties; to provide civil actions; to provide for evidence; to provide for uniformity of application and regulation; and to repeal sections 28-921 to 28-926.08, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto.

LEGISLATIVE BILL 452. By Appropriations Committee: Marvel, 33rd District, Chairman; Simpson, 46th District; Clark, 47th District; Marsh, 29th District; Savage, 10th District; Nore, 22nd District; Johnson, 15th District; Whitney, 44th District.

A BILL FOR AN ACT to establish the position of State Controller as prescribed; to transfer functions, powers, duties, and responsibilities from the Department of Administrative Services; to provide an operative date; to amend sections 81-125, 81-129, 81-132, 81-133, 81-138, 81-1102, 81-1104, 81-1107, 81-1108, 81-1108.06 to 81-1108.09, 81-1110 to 81-1117, 81-1118, 81-1120, 81-1121, 81-1125.01, and 81-1130, Reissue Revised Statutes of Nebraska, 1943, and section 81-1117.01, Revised Statutes Supplement, 1972; to repeal the original sections, and also sections 81-1108.02 to 81-1108.05, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 453. By Warner, 25th District.

A BILL FOR AN ACT to amend sections 17-953 and 17-954, Reissue Revised Statutes of Nebraska, 1943, relating to municipal enterprises; to eliminate the requirement for voting for municipal buildings; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 454. By Warner, 25th District.

A BILL FOR AN ACT to amend section 60-305.03, Reissue Revised Statutes of Nebraska, 1943, and sections 60-301 and 60-305.09, Revised Statutes Supplement, 1972, relating to motor vehicles; to define and redefine terms; to provide for revised or new reciprocal agreements; to provide for temporary permits; and to repeal the original sections.

LEGISLATIVE BILL 455. By Fellman, 4th District.

A BILL FOR AN ACT to amend section 45-335, Revised Statutes Supplement, 1972, relating to installment sales; to extend the principal time for which an installment sale may be made; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 456. By Fellman, 4th District.

A BILL FOR AN ACT to amend section 25-1267.04, Reissue Revised Statutes of Nebraska, 1943, relating to depositions; to redefine use of depositions at trial; and to repeal the original section.

LEGISLATIVE BILL 457. By Kelly, 35th District.

A BILL FOR AN ACT to amend section 60-1703, Revised Statutes Supplement, 1972, relating to motor vehicle inspection stations; to eliminate the requirement for property insurance or bond coverage; and to repeal the original section.

LEGISLATIVE BILL 458. By Burbach, 19th District.

A BILL FOR AN ACT to amend section 70-626, Reissue Revised Statutes of Nebraska, 1943, relating to public power and irrigation districts; to provide for the acquisition, construction, and management of rapid transportation systems for tangibles and passengers; and to repeal the original section.

LEGISLATIVE BILL 459. By Goodrich, 20th District.

A BILL FOR AN ACT relating to health; to establish the State Advisory Council for Comprehensive Health Planning; to provide for members of the council and their qualifications; and to provide the duties of the council.

LEGISLATIVE BILL 460. By Goodrich, 20th District.

A BILL FOR AN ACT to amend section 19-1824, Reissue Revised Statutes of Nebraska, 1943, and sections 23-1114.02 to 23-1114.07, Revised Statutes Supplement, 1972, relating to salaries; to provide for minimum annual salaries as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 461. By Kelly, 35th District.

A BILL FOR AN ACT to amend section 83-306, Revised Statutes Supplement, 1972, relating to hospitals for the mentally ill; to provide that county boards of mental health may commit mentally ill patients to the Mid-Nebraska Community Mental Health Center; to make an appropriation; and to repeal the original section.

LEGISLATIVE BILL 462. By Dickinson, 31st District.

A BILL FOR AN ACT to amend sections 44-1408 and 44-1451, Reissue Revised Statutes of Nebraska, 1943, and section 44-333.02, Revised Statutes Supplement, 1972, relating to insurance; to provide for changes in reexamination; to change the waiting period for a filing; and to repeal the original sections, and also section 44-119.01, Revised Statutes Supplement, 1972.

LEGISLATIVE BILL 463. By Whitney, 44th District.

A BILL FOR AN ACT relating to the rules of the road; to provide that the Director-State Engineer may authorize certain weights on the National System of Interstate and Defense Highways as prescribed.

LEGISLATIVE BILL 464. By DeCamp, 40th District.

A BILL FOR AN ACT relating to land used for agriculture; to require reports from corporations owning or leasing land used for agriculture; to declare legislative purpose; to provide for restrictions on the acquisition of lands as prescribed; to provide for exceptions to such restrictions; and to provide penalties.

LEGISLATIVE BILL 465. By DeCamp, 40th District.

A BILL FOR AN ACT to adopt the Nebraska Land Use Act.

LEGISLATIVE BILL 466. By Anderson, 37th District.

A BILL FOR AN ACT to amend sections 84-1310 and 84-1321, Reissue Revised Statutes of Nebraska, 1943, relating to the State Employees Retirement Fund; to provide for the member's share in the fund; to provide for the termination of employment of an employee before retirement date; and to repeal the original sections.

LEGISLATIVE BILL 467. By Burbach, 19th District; Johnson, 15th District.

A BILL FOR AN ACT relating to transportation; and to provide for adoption of the Metropolitan Transportation Authorities Act as prescribed.

LEGISLATIVE BILL 468. By Schmit, 23rd District.

A BILL FOR AN ACT to amend section 23-2318, Reissue Revised Statutes of Nebraska, 1943, relating to county government; to provide for retirement of county employees who terminate prior to age sixty-five as prescribed; and to repeal the original section.

LEGISLATIVE BILL 469. By Whitney, 44th District.

A BILL FOR AN ACT to amend section 81-116, Reissue Revised Statutes of Nebraska, 1943, relating to state employees; to change sick leave provisions; and to repeal the original section.

LEGISLATIVE BILL 470. By Interim Committee on State Aid: Warner, 25th District, Chairman.

A BILL FOR AN ACT relating to schools; to limit the amount by which any school district may increase its operational costs in any one year; to provide for enforcement; and to declare an emergency.

LEGISLATIVE BILL 471. By Interim Committee on State Aid: Warner, 25th District, Chairman.

A BILL FOR AN ACT to establish the Rent Review Board as prescribed.

LEGISLATIVE BILL 472. By Interim Committee on State Aid: Warner, 25th District, Chairman.

A BILL FOR AN ACT to adopt the Public School Support Act of 1973; to repeal sections 79-1330 to 79-1340 and 79-1342 to 79-1344.01, Reissue Revised Statutes of Nebraska, 1943, and section 79-1333.01, Revised Statutes Supplement, 1972; and to provide when such repeal shall become operative.

LEGISLATIVE BILL 473. By Rasmussen, 41st District.

A BILL FOR AN ACT relating to Department of Public Institutions; to provide transportation costs for parents or guardians for the purpose of visiting relatives or charges at the Beatrice State Home; to provide for expenses; and to limit the number of trips per year as prescribed.

LEGISLATIVE BILL 474. By DeCamp, 40th District.

A BILL FOR AN ACT to amend sections 25-1093, 25-1096, 25-1097, and 25-10,110, Reissue Revised Statutes of Nebraska, 1943, and section 25-1094, Revised Statutes Supplement, 1972, relating to civil procedure; to provide procedure for replevin of personal property; and to repeal the original sections.

LEGISLATIVE BILL 475. By Dickinson, 31st District.

A BILL FOR AN ACT relating to schools; to provide that a school district may indemnify as prescribed; and to provide for insurance.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly engrossed

The following bills were correctly engrossed: LB 52, LB 93 and LB 101.

(Signed) John J. Cavanaugh, Chairman

ADJOURNMENT

At 11:59 a.m., on a motion by Mr. Syas, the Legislature adjourned until 9:00 a.m., Friday, February 2, 1973.

Vincent D. Brown
Clerk of the Legislature

TWENTY-FIRST DAY—FEBRUARY 2, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

TWENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 2, 1973

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Marsh presiding.

PRAYER

Prayer was offered by Rev. George Stulac from Inter-Varsity Christian Fellowship of Lincoln.

> Father, we seek to be men and women of God as well as to do the work you desire in this world. In the midst of our work today, make us individuals who experience a fuller realization of what you intend us to be as your creatures. We cripple ourselves with self-centeredness and insecurity. We ask you to free us today to love other people rather than fear them, to act in creativity and wisdom rather than give up in selfish indifference, and to obey your commandments rather than try to manage our own lives. But you have demonstrated that this newness of life comes through Jesus Christ; so we pray in his name. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Carpenter, F. Carstens, Kennedy, Keyes and Waldron, who were excused; and Mr. DeCamp who was absent until 10:00 a.m.

CORRECTIONS FOR THE JOURNAL

Line 13, page 280, change to read "amendments which were adopted". The Nineteenth Day Journal was approved as corrected.

Page 291, line 33, insert "Mr. F. Lewis moved to suspend the rules and take up LR 12 at this time. The motion prevailed with 34 ayes, 0 nays and 15 not voting. LR 12 was adopted with 38 ayes, 0 nays and 11 not voting.".
The Twentieth Day Journal was approved as corrected.

REFERENCE COMMITTEE REPORT

LB	Committee
396	Banking, Commerce and Insurance
397	Public Works
398	Public Works
399	Education
400	Agriculture and Environment
401	Revenue
402	Education
403	Education
404	Public Health and Welfare
405	Banking, Commerce and Insurance
406	Banking, Commerce and Insurance
407	Education
408	Education
409	Judiciary
410	Agriculture and Environment
411	Banking, Commerce and Insurance
412	Education
413	Education
414	Public Works
415	Public Works
416	Public Health and Welfare
417	Public Works
418	Public Health and Welfare
419	Miscellaneous Subjects
420	Nebraska Retirement Systems
421	Constitutional Revision and Recreation
422	Education
423	Nebraska Retirement Systems
424	Public Works
425	Banking, Commerce and Insurance
426	Government, Military and Veteran's Affairs
427	Education
428	Nebraska Retirement Systems
429	Education
430	Education
431	Appropriations
432	Education
433	Judiciary
434	Revenue
435	Education
436	Judiciary
437	Public Works
438	Public Works
439	Appropriations

440	Education
441	Banking, Commerce and Insurance
442	Labor
443	Public Works
444	Agriculture and Environment
445	Nebraska Retirement Systems
446	Judiciary
447	Public Works
448	Urban Affairs
449	Public Health and Welfare
450	Education
451	Judiciary
452	Appropriations
453	Urban Affairs
454	Public Works
455	Banking, Commerce and Insurance
456	Judiciary
457	Public Works
458	Public Works
459	Public Health and Welfare
460	Urban Affairs
461	Public Health and Welfare
462	Banking, Commerce and Insurance
463	Public Works
464	Agriculture and Environment
465	Agriculture and Environment
466	Nebraska Retirement Systems
467	Urban Affairs
468	Nebraska Retirement Systems
469	Government, Military and Veteran's Affairs
470	Education
471	Government, Military and Veteran's Affairs
472	Education
473	Government, Military and Veteran's Affairs
474	Judiciary
475	Education

(Signed) Terry Carpenter, Chairman

LOBBYIST REPORT

In accordance with LB 302, passed in the 1965 session of the Legislature, the attached is a list of all lobbyists who has registered as of February 1, 1973. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Vincent D. Brown
Clerk of the Legislature

Crosby, Pansing, Guenzel & Binning
    Sedgwick, James L. – Lincoln, Police Officers Association of Nebraska.
Danielson, J. Arthur – Lincoln, Finance Committee for Christian Science Churches in Nebraska.
Fraizer, T. J. – Lincoln, American Reciprocal Insurance Association United Benefit Life Insurance Company.
Gardner, James S. – Omaha, Metropolitan Omaha Builders Association/Nebraska State Home Builders Association.
Johnson, Oscar – Omaha, I.B.E.W. Local 763
Kokes, Rudolf F. – Ord, Nebraska Chapter National Electrical Contractors Association, Inc.
Moore, Terry L. – Omaha, George E. Loukota.
Moylan, James H. – Omaha, Nebraska Licensed Beverage Association
Petersen, Nels – Omaha, Nebraska State AFL-CIO
Samuelson, Donald L. – Lincoln, Cornhusker Food Retailers Association
Schlaphoff, Elmer C. – Waverly, Nebraska State Grange.
Wylie, Wm. – Elgin, Mutual of Omaha.

NOTICE OF COMMITTEE HEARING
Public Health and Welfare

LB 221	Monday, February 12, 1973	2:00 p.m.
LB 222	Monday, February 12, 1973	2:00 p.m.
LB 5	Tuesday, February 13, 1973	2:00 p.m.
LB 302	Tuesday, February 13, 1973	2:00 p.m.

(Signed) Thomas Kennedy, Chairman

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 122. Placed on Select File.

LEGISLATIVE BILL 200. Placed on Select File.

LEGISLATIVE BILL 88. Placed on Select File.

LEGISLATIVE BILL 90. Placed on Select File as amended.
E & R amendment to LB 90:

1. In lieu of standing committee amendment 1, on page 5, line 9, strike "twenty-one" and insert "~~twenty-one~~ nineteen".

LEGISLATIVE BILL 144. Placed on Select File as amended.
E & R amendment to LB 144:

1. In lines 9 and 16 of the Kremer amendment, insert "the" after "or" and "thereof" after "cost"; and in line 11 strike "74-1305 R.R.S." and insert "section 74-1305".

LEGISLATIVE BILL 12. Placed on Select File as amended.
E & R amendment to LB 12:

1. In lieu of standing committee amendment 2, on page 12, line 11, strike "Six" and insert "Seven".

Correctly Enrolled

The following bill was correctly enrolled: 99.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed LB 99.

STANDING COMMITTEE REPORT
Appropriations

LEGISLATIVE BILL 291. Placed on General as amended.
Standing Committee amendments to LB 291:

1. On Page 2, lines 13 and 14, strike "presession analysis" and insert "analyses"; in line 15 insert "if requested," after "shall"; and strike the sentence beginning in line 17.
2. Add a new section to read:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

(Signed) Richard Marvel, Chairman

UNANIMOUS CONSENT—Add Name

Mr. Epke asked unanimous consent to add his name to LB 398. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 9. Advanced to E & R for engrossment.

MOTION—Introduction of Bill

Mr. Barnett moved to introduce a new bill for the Committee on Government, Military and Veteran's Affairs.

Mr. Barnett moved a Call of the House. The motion prevailed with 21 ayes, 9 nays and 19 not voting.

Mr. Barnett moved to raise the Call. The motion prevailed with 35 ayes, 0 nays and 14 not voting.

The Barnett motion prevailed with 30 ayes, 1 nay and 18 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 476. By Government, Military and Veteran's Affairs Committee: Chambers, 11th District, Chairman; Barnett, 26th District; Duis, 39th District; Fowler, 27th District; Stull, 49th District.

A BILL FOR AN ACT relating to state-owned motor vehicles; to provide for assignment of such vehicles; to provide for records of cost; to provide rules and regulations; to provide for transfer of vehicles presently in the state motor pool; to provide an operative date; to amend section 81-161.04, Revised Statutes Supplement, 1972; to repeal the original section, and also sections 81-1008, 81-1009, and 81-1011 to 81-1017, Reissue Revised Statutes of Nebraska, 1943, and section 81-1010, Revised Statutes Supplement, 1972; and to declare an emergency.

MOTION—Rule Change

Mr. Mahoney offered the following rule change:

Amend Rule 7, Sec. 6 (g) to read as follows:

(g) When any bill proposes adoption of a new program or change of an existing program which would require an appropriation of $50,000 or more to implement in the ensueing fiscal year an appropriation bill for the purposes of funding the provisions of such bill shall be prepared from the information contained in the fiscal note. Such appropriation bill shall be prepared by the Fiscal Analyst and be placed on General File and considered as introduced by the introducer of the original bill at the time the original bill is reported to General File, shall bear the number of the original bill with the letter "A" added (for example LB 1A), and shall accompany the original bill through all stages of the legislative process. However, if the original bill is reported by committee to General File with committee amendments, the "A" bill shall be introduced by the committee which is reporting the original bill to the floor and placed on General File. The "A" bill accompanying the original shall include the funding required by the committee recommended amendments.

No vote, suspension of the rules, or unanimous consent shall be required for the introduction of an "A" bill. ~~No bill shall be advanced from Select File unless the "A" bill, if required, carries the necessary appropriations required by the bill.~~ All bills for which an "A" bill is prepared shall be bracketed on Final Reading until the "A" bill is advanced to Final Reading. The authorization bill shall first be considered and if it should be passed on final reading then the "A" bill shall be read and voted on for final passage.

(Signed) Eugene Mahoney, V-Ch. Exec. Bd.

Referred to the Rules Committee.

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 197. Placed on General File.

(Signed) Jerome Warner, Chairman

UNANIMOUS CONSENT—Unbracket LB 152

Mr. Whitney asked unanimous consent to unbracket LB 152 on General File at this time. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 152. Considered.

Mr. Whitney offered the following amendments which were adopted:

1. On page 4, line 18, insert "Each such permit shall state the maximum weight permissible on a single axle or combination of axles and the total gross weight allowed." after the period.
2. On page 2, line 19, strike "beyond" and insert "up to twenty-five per cent greater than".

Advanced to E & R for Review with 33 ayes, 0 nays and 16 not voting.

Mr. Whitney asked unanimous consent to expedite LB 152. No objections. So ordered.

UNANIMOUS CONSENT—Unbracket LB 188

Mr. Kremer asked unanimous consent to unbracket LB 188 on General File at this time. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 188. Considered.

Advanced to E & R for Review with 35 ayes, 0 nays and 14 not voting.

LEGISLATIVE BILL 200A. Title read. Considered.

Mr. Stull offered the following amendments which were adopted:
1. On page 2, line 3, and in the title, lines 3 and 4, strike "of July 1, 1973 to" and insert "ending".
2. Add a new section to read:
"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".
3. In the title, line 8, insert "; and to declare an emergency" after "1973".

Advanced to E & R for Review with 29 ayes, 0 nays and 20 not voting.

LEGISLATIVE BILL 198. Title read. Considered.

Mr. Stromer offered the following amendments:
1. Amend Section 1 Subsection (2) lines 19-25, reinstating all stricken material.
2. Amend Section 1 Subsection (2) lines 20 & 21 striking the words "succeeding general."
3. Amend Section 1 Subsection (2) line 20 after the word election insert the following: "in any four year period beginning with 1976."

The amendments lost with 12 ayes, 23 nays and 14 not voting.

Mr. Whitney offered the following amendment which was adopted with 33 ayes, 2 nays and 14 not voting:

Amend Page 2, Line 25, insert:

"it shall be the duty of the Election Commissioner or County Clerk to strike the name of any deceased person who is a registered voter from the permanent registration register" after the stricken matter.

Mr. Stahmer offered the following amendment:

On page 2, line 14, after "purposes." add "Said election commissioner or county clerk shall, by first class mail, at least once every two years seek to determine if each registered voter does in fact reside at his address of registration."

The amendment lost.

Advanced to E & R for Review with 34 ayes, 4 nays and 11 not voting.

LEGISLATIVE BILL 19. Title read. Considered.

Standing Committee amendments found in the Journal on page 261 for the Eighteenth Day were adopted.

Advanced to E & R for Review with 25 ayes, 3 nays and 21 not voting.

LEGISLATIVE BILL 132. Title read. Considered.

Standing Committee amendments found in the Journal on page 263 for the Eighteenth Day were adopted.

Mr. Burbach offered the following amendments which were adopted:

1. On page 3 to 4 strike all of section 2.
2. On page 5, line 17, strike "77-1241.09".
3. Renumber sections.

Advanced to E & R for Review with 34 ayes, 1 nay and 14 not voting.

LEGISLATIVE BILL 150. Title read. Considered.

Mr. Cavanaugh offered the following amendments which were adopted:

1. Insert a new section to read:

"Sec. 2. That section 48-175.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-175.01 (1) The performance of work in the State of Nebraska (a) by an employer, who is a nonresident of the State of Nebraska, (b) by any resident employer who becomes a nonresident of this state after the occurrence of an injury to an employee, or (c) by any agent of such an employer shall be deemed an appointment by such employer of the clerk of the Nebraska Workmen's Compensation Court as a true and lawful attorney and agent upon whom may be served all legal processes in any action or proceeding against him, arising out of or under the provisions of the Nebraska Workmen's Compensation Act, and said performance of work shall be a signification of said employer's agreement that any such process, which is so served in any action against him, shall be of the same legal force and validity as if served upon him personally within this state. The appointment of agent, thus made, shall not be revocable by death but shall continue and be binding upon the executor or administrator of such employer. For purposes of this section, performance of work shall include but not be limited to situations in which (i) the injury or injury resulting in death occurred within this state, (ii) the employment was principally localized within this state, or (iii) the contract of hire was made within this state.

(2) Service of such process, as referred to in subsection (1) of this section, shall be made by serving a copy thereof upon the clerk of the Nebraska Workmen's Compensation Court, personally in his office in the State Capitol or upon someone who, previous to such service, has been designated in writing by the clerk of the Nebraska Workmen's Compensation Court as the person or one of the persons with whom such copy may be left for such service upon the clerk of the Nebraska Workmen's Compensation Court, and such service shall be sufficient service upon the said employer; Provided, that in making such service, a copy of the petition, and a copy of the process shall, within ten days after the date of service, be sent by the clerk of the Nebraska Workmen's Compensation Court, or such person acting for him in his office, to the defendant by registered or certified mail addressed to the defendant's last-known address, and the defendant's return receipt and affidavit of the clerk of the Nebraska Workmen's Compensation Court, or such person in his office acting for him, of compliance therewith shall be appended to such petition and filed in the office of the clerk of the Nebraska Workmen's Compensation Court; and provided further, that the date of the mailing and the date of the receipt of the return card aforesaid are properly endorsed on such petition and filed by the clerk of the Nebraska Workmen's Compensation Court, or someone acting for him.

(3) The court shall, on its own motion, order such continuance of answer day and trial date, as may to the court seem necessary to afford the defendant reasonable opportunity to plead and to defend. No such continuance shall be for more than ninety days except for good cause shown.

(4) It shall be the duty of the clerk of the Nebraska Workmen's Compensation Court to keep a record of all processes so served, in accordance with subsections (1) and (2) of this section, which record shall show the date of such service, and to so arrange and index said record as to make the same readily accessible and convenient for inspection.".

2. Renumber original section 2 as section 3.

3. On page 5, line 19, insert "48-175.01, Reissue Revised Statutes of Nebraska, 1943, and section " after "section"; and in line 19 strike "is" and insert "are".

Advanced to E & R for Review with 32 ayes, 0 nays and 17 not voting.

LEGISLATIVE BILL 74. Title read. Considered.

Standing Committee amendments found in the Journal on page 267 for the Eighteenth Day were adopted.

Laid over at the request of Stromer.

LEGISLATIVE BILL 95. Title read. Considered.

Standing Committee amendment found in the Journal on page 267 for the Eighteenth Day was adopted.

MR. WHITNEY PRESIDING

Mr. Nore moved for a Call of the House on advancing LB 95. The motion prevailed with 27 ayes, 1 nay and 21 not voting.

Mr. Nore moved the Call be raised. The motion prevailed with 30 ayes, 2 nays and 17 not voting.

Advanced to E & R for Review with 27 ayes, 5 nays and 17 not voting.

LEGISLATIVE BILL 38. Title read. Considered.

Advanced to E & R for Review with 33 ayes, 0 nays and 16 not voting.

LEGISLATIVE BILL 137. Title read. Considered.

Advanced to E & R for Review with 34 ayes, 0 nays and 15 not voting.

LEGISLATIVE BILL 40. Title read. Considered.

Standing Committee amendments found in the Journal on page 269 for the Eighteenth Day were adopted.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

MESSAGE FROM THE GOVERNOR

February 1, 1973

Mr. Vince Brown
Clerk of the Legislature
State House
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bill No. 253. This bill was signed by me on February 1, 1973 and delivered to the Secretary of State.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:fw

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 477. By Schmit, 23rd District at the request of the Governor.

A BILL FOR AN ACT relating to paupers and public assistance; to provide for state financial participation in county emergency assistance benefits on behalf of families who have children; and to declare an emergency.

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on February 2, 1973, at 9:40 a.m.: LB 99.

(Signed) Barbara Jackson, Enrolling Clerk

STANDING COMMITTEE REPORT
Constitutional Revision and Recreation

LEGISLATIVE BILL 72. Placed on General File.

(Signed) George Syas, Chairman

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 317	Monday, February 12, 1973	2:00 p.m.
LB 334	Monday, February 12, 1973	2:00 p.m.
LB 380	Monday, February 12, 1973	2:00 p.m.
LB 387	Monday, February 12, 1973	2:00 p.m.

LB 146	Tuesday, February 13, 1973	2:00 p.m.
LB 360	Tuesday, February 13, 1973	2:00 p.m.
LB 369	Tuesday, February 13, 1973	2:00 p.m.
LB 379	Tuesday, February 13, 1973	2:00 p.m.

LB 268	Wednesday, February 14, 1973	2:00 p.m.
LB 363	Wednesday, February 14, 1973	2:00 p.m.
LB 394	Wednesday, February 14, 1973	2:00 p.m.

(Signed) Roland A. Luedtke, Chairman

Labor

LB 265	Wednesday, February 14, 1973	2:00 p.m.
LB 266	Wednesday, February 14, 1973	2:00 p.m.
LB 270	Wednesday, February 14, 1973	2:00 p.m.
LB 292	Wednesday, February 14, 1973	2:00 p.m.

(Signed) Richard Maresh, Chairman

Education

LB 105	Tuesday, February 13, 1973	2:00 p.m.
LB 113	Tuesday, February 13, 1973	2:00 p.m.
LB 190	Tuesday, February 13, 1973	2:00 p.m.
LB 248	Tuesday, February 13, 1973	2:00 p.m.

(Signed) Jerome Warner, Chairman

Public Works

LB 335	Friday, February 9, 1973	2:00 p.m.
LB 364	Friday, February 9, 1973	2:00 p.m.

(Signed) Maurice A. Kremer, Chairman

REFERENCE COMMITTEE REPORT

LB	Committee
336	Re-referred from Education Committee to Appropriations Committee
476	Government, Military & Veteran's Affairs
477	Public Health & Welfare Committee

(Signed) Eugene T. Mahoney, Vice-Chairman

UNANIMOUS CONSENT–Member Excused

Mr. Fellman asked unanimous consent to be excused Monday, February 5, 1973. No objections. So ordered.

UNANIMOUS CONSENT–Re-Refer LB 448

Mr. Simpson asked unanimous consent to re-refer LB 448 from Urban Affairs Committee to Government, Military & Veteran's Affairs Committee for a public hearing.

Mr. Snyder objected.

Mr. Simpson moved to re-refer LB 448 from Urban Affairs Committee to Government, Military & Veteran's Affairs Committee for a public hearing.

Mr. Stull moved the previous question. The question is, "Shall the debate now cease?" The motion prevailed with 30 ayes, 1 nay and 18 not voting.

Mr. Barnett moved for a Call of the House. The motion prevailed with 25 ayes, 5 nays and 19 not voting. The Call showed 38 members present.

Mr. Goodrich moved the Call be raised. The motion prevailed with 21 ayes, 16 nays and 12 not voting.

The Simpson motion lost with 23 ayes, 9 nays and 18 not voting.

MOTION–Place LB 18 on General File

Mr. Warner moved to place LB 18 on General File notwithstanding the Committee action. Motion pending.

VISITORS

President Marsh introduced former Senator and Mrs. Lester Harsh from Bartley, Nebraska and former Senator H. C. Crandall from Curtis, Nebraska.

ADJOURNMENT

At 12:20 p.m., on a motion by Mr. Hasebroock, the Legislature adjourned until 10:00 a.m., Monday, February 5, 1973.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

TWENTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 5, 1973

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Marsh presiding.

PRAYER

Prayer was offered by the Chaplain.

> Whatever of the past or the future must pre-occupy our minds as we stand by our desks just now, O Lord our God: enable us to become fully sensitive to the larger dimensions of the present moment. Prevent us from wasting the wonderful gift of time. Challenge us with an awareness of the potential for creativity and productivity with which every hour of life is endowed. So may we be recognized by our constituents as worthy representatives, and by our God as faithful servants. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Fellman, F. Lewis and Stahmer who were excused and Mr. Cavanaugh who was absent until 10:30 a.m.

CORRECTIONS FOR THE JOURNAL

Page 314, line 13, delete "LR" and insert "LB".
Page 315, line 32, correct spelling of "considered".
The Journal for the Twenty-First Day was approved as corrected.

MESSAGES FROM THE GOVERNOR

January 30, 1973

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointments to the Power Review Board requiring legislative confirmation:

Reappointment of Thomas J. Fitchett of Lincoln to another four year term, expiring January 1, 1977

Appointment of Jack Lederman, 3314 5th Ave, Kearney to a four year term expiring January 1, 1977

I respectfully submit these appointments for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

January 30, 1973

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointments to the State Electrical Board requiring legislative confirmation:

Appointment of Robert J. Chase, 5840 Vine Street, Lincoln, to a five year term expiring December 26, 1977

Appointment of Edward R. Brandt, Fairbury, to a five year term expiring December 26, 1977

Appointment of Weston Webb, Grand Island, to a five year term expiring December 26, 1977

I respectfully submit these appointments for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:ah

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 152. Placed on Select File as amended.
E & R amendment to LB 152:

1. In the title, line 5, insert "to provide restrictions;" after the first semicolon.

Correctly Engrossed

The following bills were correctly engrossed: 9, 29, 33, 39, 130.

(Signed) John J. Cavanaugh, Chairman

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 234. Placed on General File as amended.
Standing Committee amendments to LB 234:

1. On page 5, line 25 after "_" insert "(a)".
2. On page 6 strike the new matter and after line 13 insert "(b) Insuring, guaranteeing or idemnifying owners of real property or others interested therein against loss or damage suffered by reason of defects in the authorization, execution or delivery of an encumbrance upon such real property, or any share, participation or other interest in such encumbrance, guaranteeing, warranting or otherwise insuring by a title insurance company the validity and enforceability of evidences of indebtedness secured by an encumbrance upon or interest in such real property.".
3. On page 7, line 14 after "mean" insert "; (a) Insuring" and strike "insuring" and show as stricken; and strike the new matter on the page.
4. On page 8, line 2, after "property" strike the ", or doing" and show as stricken and insert ";" paragraph and insert "(b) Insuring, guaranteeing or indemnifying owners of real property or others interested therein against loss or damage suffered by reason of defects in the authorization, execution or delivery of an encumbrance upon such real property, or any share, participation or other interest in such encumbrance, guaranteeing, warranting or otherwise insuring by a title insurance company the validity and enforceability or evidences of indebtedness secured by an encumbrance upon or interest in

such real property; or

(c) Doing".

5. On page 8, line 5 strike "insuring titles to real" and show as stricken; in line 6 strike "property" and show as stricken and insert "issuing policies or contracts of title insurance,"; in line 24 strike "insure titles to real estate" and show as stricken and insert "issue policies or contracts of title insurance"; in line 26 strike "insured" and show as stricken; in line 27 strike "titles to read estate" and show as stricken and insert "issue policies or contracts of title insurance".

LEGISLATIVE BILL 249. Placed on General File as amended.
Standing Committee amendment to LB 249:

1. On page 2, line 4, strike "and" and show as stricken and insert "or"; and strike the new matter in lines 8 to 10 and insert ", except that when a fireman serves more than one municipality or district such policy shall be purchased only by the first municipality or district which he serves".

(Signed) Fred Carstens, Chairman

NOTICE OF COMMITTEE HEARING
Banking, Commerce and Insurance

LB 339	Monday, February 12, 1973	2:00 p.m.
LB 351	Monday, February 12, 1973	2:00 p.m.
LB 390	Monday, February 12, 1973	2:00 p.m.
LB 425	Monday, February 12, 1973	2:00 p.m.

(Signed) Fred W. Carstens, Chairman

UNANIMOUS CONSENT—Public Hearing on LB 448

Mr. Snyder asked unanimous consent to hold a public hearing on LB 448 on February 12 at 7:00 p.m. in the East Chamber. No objections. So ordered.

ANNOUNCEMENT

Mr. Carpenter announced the Executive Board will meet at 1:30 p.m. tomorrow, February 6, in the Legislative Council Hearing Room.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 47.

A BILL FOR AN ACT to amend sections 77-2353.01 and 77-2354, Reissue Revised Statutes of Nebraska, 1943, relating to public power and irrigation districts; to authorize additional investments for public power and irrigation districts; to provide for withdrawal of deposits except time certificates of deposit; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Clark	DeCamp	Dickinson	Duis
Epke	Fowler	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Keyes	Kime	Kremer
R. Lewis	Luedtke	Mahoney	Maresh	Marsh
Marvel	Moylan	Murphy	Nore	Proud
Rasmussen	Richendifer	Savage	Simpson	Skarda
Snyder	Stromer	Stull	Syas	Waldron
Warner	Whitney	Wiltse		

Voting in the negative, 0.

Not voting, 6:

Cavanaugh	Chambers	Fellman	F. Lewis	Schmit
Stahmer				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title ageed to.

LEGISLATIVE BILL 49. With Emergency.

A BILL FOR AN ACT to amend section 60-335, Revised Statutes Supplement, 1972, relating to motor vehicle registration; to exempt vehicles used for library purposes from payment of registration fees; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Clark	DeCamp	Dickinson	Duis

Epke Fowler Goodrich Hasebroock Johnson
Kelly Kennedy Keyes Kime Kremer
R. Lewis Luedtke Mahoney Maresh Marsh
Marvel Moylan Murphy Nore Proud
Rasmussen Richendifer Savage Schmit Simpson
Skarda Snyder Stromer Stull Syas
Waldron Warner Whitney Wiltse

Voting in the negative, 0.

Not voting, 5:

Cavanaugh Chambers Fellman F. Lewis Stahmer

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 54.

A BILL FOR AN ACT to amend section 75-303, Revised Statutes Supplement, 1972, relating to motor carriers; to provide an exemption; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Anderson Barnett Burbach Carpenter C. Carsten
F. Carstens Clark DeCamp Dickinson Duis
Epke Fowler Goodrich Hasebroock Johnson
Kelly Kennedy Keyes Kime Kremer
R. Lewis Mahoney Maresh Marsh Marvel
Moylan Murphy Nore Proud Rasmussen
Richendifer Savage Schmit Skarda Stromer
Stull Syas Waldron Warner Whitney
Wiltse

Voting in the negative, 3:

Luedtke Simpson Snyder

Not voting, 5:

Cavanaugh Chambers Fellman F. Lewis Stahmer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SELECT FILE

LEGISLATIVE BILL 122. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 200. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 88. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 90. E & R amendment found in the Journal on page 313 for the Twenty-First Day was adopted.

Mr. Stull offered the following amendment which was adopted by unanimous consent:

To strike twenty-one and insert
nineteen in line 15, page 5.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 144. E & R amendment found in the Journal on page 313 for the Twenty-First Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 12. E & R amendment found in the Journal on page 314 for the Twenty-First Day was adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Unbracket LB 69

Mr. Carpenter asked unanimous consent to unbracket LB 69 on Select File and consider at this time. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 69. Advanced to E & R for Engrossment.

MOTION—Washington's Birthday

Speaker Proud moved to have a regular meeting of the Legislature on February 19. The motion prevailed with 26 ayes, 14 nays and 9 not voting.

NOTICE OF COMMITTEE HEARING
Urban Affairs

LB 273	Wednesday, February 14, 1973	2:00 p.m.
LB 276	Wednesday, February 14, 1973	2:00 p.m.
LB 373	Wednesday, February 14, 1973	2:00 p.m.
LB 453	Wednesday, February 14, 1973	2:00 p.m.
LB 313	Wednesday, February 21, 1973	2:00 p.m.
LB 345	Wednesday, February 21, 1973	2:00 p.m.
LB 467	Wednesday, February 21, 1973	2:00 p.m.
LB 225	Wednesday, February 28, 1973	2:00 p.m.
LB 299	Wednesday, February 28, 1973	2:00 p.m.
LB 315	Wednesday, February 28, 1973	2:00 p.m.
LB 460	Wednesday, February 28, 1973	2:00 p.m.

(Signed) Duke Snyder, Chairman

GENERAL FILE

LEGISLATIVE BILL 35. Title read. Considered.

Standing Committee amendments found in the Journal on page 240 for the Seventeenth Day were adopted with 23 ayes, 6 nays and 20 not voting.

Mr. Carpenter moved to Indefinitely Postpone.

Mr. Carpenter requested a record vote.

Voting in the affirmative, 13:

Barnett
Carpenter
F. Carstens
Chambers
DeCamp
Kennedy
Kremer
R. Lewis
Marsh
Marvel
Nore
Stromer
Stull

Voting in the negative, 24:

Anderson
C. Carsten
Cavanaugh
Clark
Dickinson
Fowler
Hasebroock
Kelly
Keyes
Kime
Luedtke
Mahoney
Maresh
Moylan
Murphy
Proud
Rasmussen
Richendifer
Savage
Schmit
Skarda
Snyder
Syas
Warner

Not voting, 12:

Burbach
Duis
Epke
Fellman
Goodrich
Johnson
F. Lewis
Simpson
Stahmer
Waldron
Whitney
Wiltse

The motion lost with 13 ayes, 24 nays and 12 not voting.

Advanced to E & R for Review with 33 ayes, 0 nays and 16 not voting.

LEGISLATIVE BILL 74. Laid over at the request of Mr. Anderson.

LEGISLATIVE BILL 117. Title read. Considered.

Advanced to E & R for Review with 36 ayes, 0 nays and 13 not voting.

LEGISLATIVE BILL 118. Title read. Considered.

Advanced to E & R for Review with 34 ayes, 0 nays and 15 not voting.

LEGISLATIVE BILL 119. Title read. Considered.

Advanced to E & R for Review with 37 ayes, 0 nays and 12 not voting.

LEGISLATIVE BILL 120. Title read. Considered.

Advanced to E & R for Review with 34 ayes, 0 nays and 15 not voting.

LEGISLATIVE BILL 121. Title read. Considered.

Advanced to E & R for Review with 33 ayes, 0 nays and 16 not voting.

LEGISLATIVE BILL 124. Title read. Considered.

Advanced to E & R for Review with 34 ayes, 0 nays and 15 not voting.

LEGISLATIVE BILL 14. Title read. Considered.

Mr. Barnett offered the following amendment to the Standing Committee Amendment, which was adopted:

Amend Standing Committee Amendment Sec. 1, line 11, at end of line insert word "all".

Standing Committee Amendment found in the Journal on page 282 for the Nineteenth Day was adopted as amended with 34 ayes, 0 nays and 15 not voting.

Advanced to E & R for review with 34 ayes, 1 nay and 14 not voting.

UNANIMOUS CONSENT—Print in Journal

Mr. Waldron asked unanimous consent to have the following amendment to LB 174 printed in the Journal. No objections. So ordered.

1. Insert a new section to read as follows:

"Section 1. That section 32-505, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-505. There shall be a primary election held at the regular polling place in each precinct on the first Tuesday after the second Monday in ~~May, 1958~~ September, 1972, and every two years thereafter, except as otherwise provided in sections 32-506 and 32-507, for the nomination of all the candidates except those exempted from the provisions of Chapter 32, article 5, to be voted for at the November election, and for the election of delegates to the county conventions.".

2. Renumber original sections 1 to 4 as sections 2 to 5.

3. On page 4, line 10, strike "section" and insert "sections 32-505,".

NOTICE OF COMMITTEE HEARINGS
Public Works

LB 364	Canceled Friday, February 9, 1973	2:00 p.m.
LB 364	Reset Wednesday, February 14, 1973	2:00 p.m.
LB 319	Friday, February 16, 1973	2:00 p.m.
LB 417	Friday, February 16, 1973	2:00 p.m.
LB 437	Friday, February 16, 1973	2:00 p.m.
LB 316	Wednesday, February 21, 1973	2:00 p.m.
LB 365	Wednesday, February 21, 1973	2:00 p.m.
LB 438	Wednesday, February 21, 1973	2:00 p.m.
LB 414	Thursday, February 22, 1973	2:00 p.m.
LB 424	Thursday, February 22, 1973	2:00 p.m.
LB 147	Wednesday, February 28, 1973	2:00 p.m.
LB 368	Wednesday, February 28, 1973	2:00 p.m.
LB 384	Wednesday, February 28, 1973	2:00 p.m.
LB 415	Thursday, March 1, 1973	2:00 p.m.
LB 443	Thursday, March 1, 1973	2:00 p.m.
LB 457	Thursday, March 1, 1973	2:00 p.m.
LB 308	Friday, March 2, 1973	2:00 p.m.
LB 447	Friday, March 2, 1973	2:00 p.m.
LB 324	Wednesday, March 7, 1973	2:00 p.m.
LB 397	Wednesday, March 7, 1973	2:00 p.m.
LB 463	Wednesday, March 7, 1973	2:00 p.m.

(Signed) Maurice A. Kremer, Chairman

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 61. Indefinitely postponed.

LEGISLATIVE BILL 62. Indefinitely postponed.

LEGISLATIVE BILL 57. Placed on General File.

LEGISLATIVE BILL 58. Placed on General File as amended.
Standing Committee amendment to LB 58:
1. On page 3, line 20 after "boy" insert "or girl" and strike "child" and show as stricken.

LEGISLATIVE BILL 59. Placed on General File.

(Signed) Roland A. Luedtke, Chairman

VISITORS

President Marsh introduced 22 Lincoln Southeast Government students and Mr. Bill Stephenson, teacher.

ADJOURNMENT

At 11:49 a.m., on a motion by Speaker Proud, the Legislature adjourned until 9:00 a.m., Tuesday, February 6, 1973.

Vincent D. Brown
Clerk of the Legislature

TWENTY-THIRD DAY—FEBRUARY 6, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

TWENTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 6, 1973

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Marsh presiding.

PRAYER

Prayer was offered by the Chaplain.

> Meet with us as we meet once more, O Lord our God, for we do need help. Even our small mistakes become obvious, and our proudest accomplishment but temporary . . .
>
> Our little bills seem so trivial beside the great, breaking events of these times, and so uncertain in response to voices which urge: "do something about this," "do nothing about that" . . .
>
> And those which complain: "Too little;" "Too much." "Too soon;" "Too late."
>
> We do need help! Lobby within our hearts and minds, O God, for everything that is right, lest we give in to anything that is easy. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Simpson who was excused and Mr. Snyder who was excused until he arrives.

CORRECTIONS FOR JOURNAL

The Journal for the Twenty-Second Day was approved.

UNANIMOUS CONSENT—Member Excused

Mr. Kremer asked unanimous consent to be excused at 9:30 a.m. for the remainder of the morning. No objections. So ordered.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 200. Replaced on Select File as amended.
E & R amendment to LB 200:

1. In the title, lines 6 and 7, strike "to provide an appropriation;".

LEGISLATIVE BILL 90. Replaced on Select File as amended.
E & R amendments to LB 90:

1. In lieu of the Stull amendment, on page 5, line 15, strike "twenty-one" and insert "~~twenty-one~~ nineteen".

2. In the title, line 5, insert "to change age requirements;" after the semicolon.

LEGISLATIVE BILL 70. Placed on Select File as amended.
E & R amendment to LB 70:

1. For correlation purposes, on page 4, line 4, strike "~~and~~"; in line 11, strike "and"; after line 11 insert

"(14) Motor vehicles owned and operated by a nonprofit organization which has been exempted from the payment of federal income taxes, as provided by section 501 (c) (4), Internal Revenue Code of 1954, transporting solely those persons over age sixty, those persons who are spouses and dependents of persons over age sixty, and the handicapped from areas without public transportation~~.~~; and"; in line 12, strike "(14)" and insert "(15)"; and after the second comma on page 2, line 2, page 4, line 17, and in the title, line 3, insert "as amended by section 1, Legislative Bill 54, Eighty-third Legislature, First Session, 1973,".

LEGISLATIVE BILL 188. Placed on Select File as amended.
E & R amendment to LB 188:

1. In the title, line 4, strike "natural resource districts" and insert "soil and water conservation"; insert a semicolon at the end of line 5; in line 6, strike "as prescribed" and insert "to clarify provisions for the Nebraska Soil and Water Conservation Fund".

LEGISLATIVE BILL 200A. Placed on Select File.

LEGISLATIVE BILL 198. Placed on Select File as amended.
E & R amendments to LB 198:

1. In lieu of the Whitney amendment, on page 2, line 25, insert "It shall be the duty of the election commissioner or county clerk to strike the name of any deceased person who is a registered voter from the permanent registration register." after the stricken matter.

2. In the title, line 4, strike "causes" and insert "cause"; and in line 5, insert "to provide for striking the names of deceased registered voters;" after the semicolon.

LEGISLATIVE BILL 19. Placed on Select File.

LEGISLATIVE BILL 132. Placed on Select File as amended.
E & R amendments to LB 132:

In lieu of all amendments thereto:

1. On page 2, line 20, insert "for fiscal years 1973 to 1979" after "fee".

2. Strike section 2 and renumber original sections 3 to 7 as sections 2 to 6.

3. On page 5, line 3, insert "for fiscal years 1973 to 1979" after "fee"; in lines 16 and 17, strike ", 77-1241.09," in line 17 insert ", which provisions shall be for the purpose of providing funds to be used to develop appraisal manuals and distribute them to the counties, to defray other incidental expenses of the Ad Valorum Advisory Committee, and to engage competent counsel" after "77-1250"; in line 24, strike "the biennium" and insert "~~the biennium~~ each year"; and in line 25, insert ", except that no part of the fees received under sections 77-629 and 77-1250 shall be so lapsed" after "Fund".

4. On page 6, line 6, strike "77-1241.09,".

5. In the title, line 2, strike "77-1241.09,"; and in line 6, insert "and use" after "disposition".

LEGISLATIVE BILL 150. Placed on Select File as amended.
E & R amendment to LB 150:

1. In the title, line 2, insert "48-175.01, Reissue Revised Statutes of Nebraska, 1943, and section" after "section"; in line 5, insert "to define a term;" after the semicolon; and in line 6, strike "section" and insert "sections".

LEGISLATIVE BILL 95. Placed on Select File as amended.
E & R amendments to LB 95:

1. In standing committee amendment 1, line 2, strike "in the event that" and insert "if"; and in line 5, strike the first period.

2. In the title, line 5, strike "that"; strike line 6 and "prescribed" in line 7 and insert "the levying board of which represents more than one county".

LEGISLATIVE BILL 38. Placed on Select File.

LEGISLATIVE BILL 137. Placed on Select File as amended.
E & R amendment to LB 137:

1. On page 2, line 22, and page 4, lines 2 and 21, insert an underscored comma after "months"; and on page 2, line 23 and page 4, lines 4 and 23, strike "would" and insert "shall".

LEGISLATIVE BILL 40. Placed on Select File as amended.
E & R amendment to LB 40:

1. In the title, line 5, insert "to provide for salaries;" after the semicolon.

Correctly Enrolled

The following bills were correctly enrolled: 47, 49, 54.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bills: 47, 49, 54.

REPORT OF EMPLOYEES

During the month of January, 1973, there were 137 full- and part-time employees being paid from Fund 1973, Program 121, Legislative Session Services. The total payroll for the month was $49,443.93, of which $432.77 was for overtime. The total figure includes the State's share of OASI and retirement contributions.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 52.

A BILL FOR AN ACT to amend section 71-176, Reissue Revised Statutes of Nebraska, 1943, relating to the practice of podiatry; to change the manner in which schools are accredited; to provide requirements for annual license renewal; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
DeCamp
Dickinson
Duis
Epke
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Nore
Proud
Rasmussen
Savage
Schmit
Skarda
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 6:

Clark
Keyes
Kime
Richendifer
Simpson
Snyder

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 93.

A BILL FOR AN ACT to amend section 21-1519, Reissue Revised Statutes of Nebraska, 1943, relating to hospital service corporations; to change the provisions for investment of funds; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
Clark
DeCamp
Dickinson
Duis
Epke
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Kime
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Nore
Proud
Rasmussen
Richendifer
Savage
Schmit
Skarda
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Wiltse

Voting in the negative, 0.

Not voting, 5:

Keyes
Murphy
Simpson
Snyder
Whitney

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 101. Mr. Carpenter moved to return LB 101 to Select File for the following specific amendment:

Add the emergency clause.

The motion prevailed with 39 ayes, 0 nays and 10 not voting.

UNANIMOUS CONSENT—Members Excused

Mr. Richendifer asked unanimous consent to be excused on Thursday and Friday, February 15 and 16. No objections. So ordered.

Messrs. Waldron and Syas asked unanimous consent to be excused on Monday evening, February 12. No objections. So ordered.

ANNOUNCEMENT

Mr. Carpenter announced that the Executive Board meeting today would be at 1:00 p.m. instead of 1:30 p.m.

NOTICE OF COMMITTEE HEARINGS

Public Works

LB 319	Canceled Friday, February 16, 1973	2:00 p.m.
LB 319	Reset Wednesday, February 14, 1973	2:00 p.m.
LB 458	Wednesday, February, 14, 1973	2:00 p.m.
LB 332	Friday, February 16, 1973	2:00 p.m.
LB 383	Wednesday, February 21, 1973	2:00 p.m.
LB 357	Wednesday, February 28, 1973	2:00 p.m.
LB 454	Thursday, March 1, 1973	2:00 p.m.
LB 398	Canceled Thursday, March 8, 1973	2:00 p.m.
LB 398	Reset Thursday, March 15, 1973	2:00 p.m.
LB 346	Thursday, March 8, 1973	2:00 p.m.

(Signed) Maurice A. Kremer, Chairman

SELECT FILE

LEGISLATIVE BILL 152. E & R amendment found in the Journal on page 326 of the Twenty-Second Day was adopted.

Bracketed at the request of Mr. Carpenter until February 8, 1973.

LEGISLATIVE BILL 101. Mr. Carpenter's specific amendment found in today's Journal was adopted with 35 ayes, 0 nays and 14 not voting.

Advanced to E & R for Re-engrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 13.

Introduced by William H. Hasebroock, 18th District.

WHEREAS, the Federal Administration has impounded federal highway trust funds derived from special highway user taxes resulting in a seriously detrimental effect on state road construction programs; and

WHEREAS, the present and future revenues to the fund indicate a federal impoundment of some five billion dollars of highway trust funds; and

WHEREAS, said five billion dollars approximates one year's total federal highway authorizations, raising this year to an anticipated thirty million dollars of the impounded funds belonging to the State of Nebraska; and

WHEREAS, this matter remains of great concern to the people of the State of Nebraska and to the Legislature; and

WHEREAS, this Legislature wishes to be placed on record in support of the action taken by the State of Missouri in their, thus far, successful challenge of the Administration's actions in impounding these funds.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA: FIRST SESSION

1. That the Federal Administration be advised of our opposition to their impoundment of some five billion dollars of highway trust funds.
2. That the 1973 Session of the Legislature, State of Nebraska, be placed on record in support of the action taken by the State of Missouri in challenging the Administration's actions in this regard.
3. That the 1973 Session of the Legislature, State of Nebraska, go on record in opposition to the announced policy of the Federal Administration to divert part of these funds from the state road construction programs to mass transit systems.
4. That a copy of this resolution be delivered to the President of the United States, to the United States Department of Transportation and to the members of the Nebraska Congressional Delegation.

UNANIMOUS CONSENT—Member Excused

Mrs. Marsh asked unanimous consent to be excused at 9:30 for one hour. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 84. Title read. Considered.

Advanced to E & R for Review with 32 ayes, 0 nays and 17 not voting.

LEGISLATIVE BILL 247. Title read. Considered.

Standing Committee amendments found in the Journal on page 283 for the Nineteenth Day were adopted.

Laid over at the request of Carpenter.

MESSAGE FROM THE GOVERNOR

February 5, 1973

Mr. Vincent D. Brown
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 15, 16, 56, 99, 140, 141, 142, and 143.

These bills were signed by me on February 2, 1973, and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

GENERAL FILE

LEGISLATIVE BILL 102. Title read. Considered.

Mr. Carpenter offered the following amendment:

Page 2, line 3 strike "May" insert "Shall"
strike "at its"
Line 5 strike "May" insert "Shall"
Line 16 strike "May" insert "Shall"
Line 18 strike "the United"
Line 19 strike "States of America"
In Line 22 strike "May" insert "Shall"
Page 5, line 15 strike "May" insert "Shall"

Mr. Barnett moved to amend the Carpenter amendment as follows:
Striking "to any institution in the United States of America" in line 18, page 2.

The Barnett amendment was adopted.

The Carpenter amendment was adopted as amended.

Advanced to E & R for Review with 33 ayes, 0 nays and 16 not voting.

LEGISLATIVE BILL 174. Title read. Considered.

Standing Committee amendment found in the Journal on page 300 for the Twentieth Day was adopted.

Mr. Waldron renewed his pending amendments found in the Journal on page 332 for the Twenty-Second Day.

Mr. Stromer moved the previous question. The question is, "Shall the debate now cease?" The motion prevailed with 29 ayes, 1 nay and 19 not voting.

The Waldron amendments were adopted with 30 ayes, 7 nays and 12 not voting.

Mr. Kelly offered the following amendment:
Amend LB 174 "and pay $100.00 fee"

The amendment lost with 12 ayes, 20 nays and 17 not voting.

Mr. Maresh moved to send LB 174 back to committee for public hearing. The motion prevailed with 28 ayes, 7 nays and 14 not voting.

SPEAKER PROUD PRESIDING

LEGISLATIVE BILL 291. Title read. Considered.

Standing Committee amendments found in the Journal on page 314 for the Twenty-First Day were adopted.

Mr. Carpenter offered the following amendment which was adopted:
In line 9, strike "upon request".

Advanced to E & R for Review with 31 ayes, 0 nays and 18 not voting.

PRESIDENT MARSH PRESIDING

LEGISLATIVE BILL 197. Title read. Considered.

Mr. Carpenter offered the following amendment:
In Section 1, line 8, strike "such buildings or".

The amendment lost with 14 ayes, 18 nays and 17 not voting.

Mr. F. Lewis offered the following amendment:
In line 11, strike "twenty" and insert "ten".

The amendment was adopted with 31 ayes, 1 nay and 17 not voting.

Mr. Carpenter offered the following amendment:
In line 4, after "any" insert "Class 5".

Pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on February 6, 1973, at 10:50 a.m.: LB 47, LB 49, and LB 54.

(Signed) Barbara Jackson, Enrolling Clerk

NOTICE OF COMMITTEE HEARINGS

Rules

The Rules Committee will meet at 1:00 p.m., February 7, 1973 in the Legislative Council Hearing Room to consider the following rule changes:

Rule 4, Sec. 5, p. 20, 25 names on resolution by the Rules Committee referred to 1-15, p. 128-129 also referred to on 1-16, p. 145.

Rule 5, Sec. 5, number of days bills can be introduced in by Mr. Carpenter as referred to 1-18, p. 165.

Rule 5, Sec. 1, add new subsection (b) expedite introduction of bills by Mr. Carpenter as referred to 1-18, p. 165.

Rule 5 (d) to add: bills withdrawn by Mr. Maresh, as referred to 1-24, p. 218.

Rule 4, Resolutions & Memorials by Mr. Luedtke as referred to 2-1, p. 302.

Rule 7, Sec. 6 (g), appropriation bills by Mr. Mahoney as referred to 2-2, p. 315.

(Signed) Herbert J. Duis, Chairman

Government, Military & Veteran's Affairs

LB 267	Thursday, February 15, 1973	2:00 p.m.
LB 272	Thursday, February 15, 1973	2:00 p.m.
LB 295	Thursday, February 15, 1973	2:00 p.m.
LB 310	Thursday, February 15, 1973	2:00 p.m.
LB 31	Thursday, February 15, 1973 (Reset)	2:00 p.m.

(Signed) Ernest Chambers, Chairman

Appropriations

LB 336	Wednesday, February 14, 1973	2:00 p.m.

(Signed) Richard D. Marvel, Chairman

Constitutional Revision and Recreation

LB 421	Thursday, February 22, 1973	2:00 p.m.
LB 323	Thursday, March 1, 1973	2:00 p.m.
LB 331	Thursday, March 1, 1973	2:00 p.m.

(Signed) George Syas, Chairman

Public Health and Welfare

LB 348	Monday, February 19, 1973	2:00 p.m.
LB 459	Monday, February 19, 1973	2:00 p.m.
LB 361	Tuesday, February 20, 1973	2:00 p.m.
LB 375	Tuesday, February 20, 1973	2:00 p.m.
LB 376	Tuesday, February 20, 1973	2:00 p.m.

(Signed) Thomas C. Kennedy, Chairman

Revenue

LB 367	Tuesday, February 13, 1973	2:00 p.m.
LB 382	Tuesday, February 13, 1973	2:00 p.m.
LB 91	Wednesday, February 14, 1973	2:00 p.m.
LB 294	Wednesday, February 14, 1973	2:00 p.m.
LB 344	Monday, February 26, 1973	2:00 p.m.

LB 318	Wednesday, February 28, 1973	2:00 p.m.
LB 359	Wednesday, February 28, 1973	2:00 p.m.

(Signed) J. W. Burbach, Chairman

STANDING COMMITTEE REPORT
Urban Affairs

LEGISLATIVE BILL 24. Placed on General File.

(Signed) Duke Snyder, Chairman

VISITORS

President Marsh introduced 34 Brownell-Talbot High School students from Omaha and Mrs. Dianne Desler, teacher.

President Marsh introduced Mr. Jim Bowhey, Director of Midwestern Office of the Council of State Governments and Mr. Tom Manteuffel, Staff Associate.

President Marsh introduced Mrs. Tersa Witthoff and the Rev. Mrs. Powell from Fremont, Nebraska.

President Marsh introduced the following members of the Colombia, South American Basketball team and sponsors: Nestor Arrieta, President of Delegation; Mizuel Zapata, Coach; Diego Rozo, Coach; Alberto Yarce, Game Official; Juan Guillermo Molina; Adolfo Leon Gomez; Amancio Duenas; Jairo Romero; Jaime Avila; Julio Bush; Winton Wooker; Carlos Castillo; Harold Martinez; Manual Rueda; Jorge Nino, and Hugo Hernandez.

ADJOURNMENT

At 12:01 p.m., on a motion by Mr. Hasebroock, the Legislature adjourned until 9:00 a.m., Wednesday, February 7, 1973.

Vincent D. Brown
Clerk of the Legislature

TWENTY-FOURTH DAY—FEBRUARY 7, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

TWENTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 7, 1973

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Marsh presiding.

PRAYER

Prayer was offered by the Chaplain.

> O Lord our God: continue to bless us; to keep us; to be gracious unto us; to cause your face to be turned toward us; to lift up the light of the Divine countenance upon us; to give us the confidence and the decisiveness and peace to which they are entitled fully, who trust God completely, and do their best daily. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Cavanaugh and Fellman who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Third Day was approved.

UNANIMOUS CONSENT—Members Excused

Mr. R. Lewis asked unanimous consent to be excused from 9:30 a.m. until 11:30 a.m. today. No objections. So ordered.

Mr. Schmit asked unanimous consent to be excused from 10:00 a.m. until noon today. No objections. So ordered.

REFERENCE COMMITTEE REPORT

LB	Committee
174	Government, Military and Veteran's Affairs

(Signed) Terry Carpenter, Chairman

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 35. Placed on Select File as amended.
E & R amendments to LB 35:

1. In standing committee amendment 1, line 3, insert "show the same as stricken and" after "and".
2. In the title, strike line 6 and insert "boards"; and in line 7, strike "instrumentality thereof".

LEGISLATIVE BILL 117. Placed on Select File.

LEGISLATIVE BILL 118. Placed on Select File.

LEGISLATIVE BILL 119. Placed on Select File.

LEGISLATIVE BILL 120. Placed on Select File as amended.
E & R amendment to LB 120:

1. In the title, line 4, strike "Act".

LEGISLATIVE BILL 121. Placed on Select File as amended.
E & R amendment to LB 121:

1. On page 3, line 6, strike "trust" and insert "fund".

LEGISLATIVE BILL 124. Placed on Select File as amended.
E & R amendment to LB 124:

1. In the title, line 3, strike "state officers" and insert "crimes and punishments".

LEGISLATIVE BILL 14. Placed on Select File as amended.
E & R amendments to LB 14:

1. On page 4, strike the new matter in lines 15, 17, and 18.
2. In the title, line 2, insert "60-439, Reissue Revised Statutes of Nebraska, 1943, and section" after "section"; and in line 6, strike "section" and insert "sections".

Correctly Re-engrossed

The following bill was correctly re-engrossed: 101.

Correctly Engrossed

The following bills were correctly engrossed: 12, 69, 88, 122 and 144.

Correctly Enrolled

The following bills were correctly enrolled: 52 and 93.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bills: 52 and 93.

NOTICE OF COMMITTEE HEARING

Agriculture and Environment

LB 391	Friday, February 16, 1973	2:00 p.m.
LB 392	Friday, February 16, 1973	2:00 p.m.

(Signed) Loran Schmit, Chairman

STANDING COMMITTEE REPORT

Urban Affairs

LEGISLATIVE BILL 71. Placed on General File as amended.
Standing Committee amendment to LB 71:

1. On page 2 strike line 1 and insert "Section 1. The governing body of any city", line 2 strike "metropolitan class", line 6 strike "metropolitan", line 7 strike "of the metropolitan class", line 10 strike "or without", line 10 strike "or" and insert "and"; and line 12 insert after the period "Nothing herein shall be construed as granting any power of annexation which is not otherwise granted.".

(Signed) Duke Snyder, Chairman

Agriculture and Environment

LEGISLATIVE BILL 175. Indefinitely postponed.

LEGISLATIVE BILL 107. Placed on General File as amended.
Standing Committee amendment to LB 107:

1. Add the Emergency Clause.

LEGISLATIVE BILL 108. Placed on General File.

LEGISLATIVE BILL 133. Placed on General File.

LEGISLATIVE BILL 178. Placed on General File as amended.
Standing Committee amendments to LB 178:

1. On page 2, line 15, insert an underscored period after "horses" and strike the rest of the sentence and show old matter as stricken; in line 21 strike "horse bred in" and show as stricken; and in line 22 strike "Nebraska" and show as stricken and insert "Nebraska-bred horse".

2. Strike section 2 and renumber original section 3 as section 2.

LEGISLATIVE BILL 201. Placed on General File.

(Signed) Loran Schmit, Chairman

SELECT FILE

LEGISLATIVE BILL 200. E & R amendment found in the Journal on page 336 for the Twenty-third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 90. E & R amendments found in the Journal on page 336 for the Twenty-third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 70. E & R amendment found in the Journal on page 336 for the Twenty-third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 188. E & R amendment found in the Journal on page 336 for the Twenty-third Day was adopted.

Bracketed at the request of Kremer.

LEGISLATIVE BILL 200A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 198. E & R amendments found in the Journal on page 336 for the Twenty-third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 19. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 132. E & R amendments found in the Journal on page 337 for the Twenty-third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 150. E & R amendment found in the Journal on page 337 for the Twenty-third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 95. E & R amendments found in the Journal on page 337 for the Twenty-third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 38. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 137. E & R amendment found in the Journal on page 338 for the Twenty-third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 40. E & R amendment found in the Journal on page 338 for the Twenty-third Day was adopted.

Advanced to E & R for Engrossment.

MR. WHITNEY PRESIDING

MOTION—Place LB 112 on General File

Mrs. Marsh renewed her pending motion, found in the Journal on page 299 for the Twentieth Day, to place LB 112 on General File notwithstanding the committee action. The motion prevailed with 29 ayes, 12 nays and 8 not voting.

PRESIDENT MARSH PRESIDING

STANDING COMMITTEE REPORT
Public Works

LEGISLATIVE BILL 176. Placed on General File as amended.
Standing Committee amendment to LB 176:

1. On page 2, line 2, strike the word "free".

LEGISLATIVE BILL 245. Placed on General File as amended.
Standing Committee amendment to LB 245:

1. On page 6, following line 7, add a new subsection as follows:

(5) Public waterways as used in sections 31-727 and 31-762 shall mean artificially created boat channels dedicated to public use and providing access to navigable rivers or streams.

LEGISLATIVE BILL 196. Indefinitely postponed.

(Signed) Maurice A. Kremer, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on February 7, 1973, at 9:35 a.m.: LB 52 and LB 93.

(Signed) Barbara Jackson, Enrolling Clerk

MOTION—Suspend Rules

Mr. Stromer moved to Suspend the Rules to take up the Final Reading Bills set for tomorrow. The motion prevailed with 32 ayes, 0 nays and 17 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 9.

A BILL FOR AN ACT for submission to the electors of an amendment to Article III, section 7, of the Constitution of Nebraska, relating to the Legislature; to provide that the members of the Legislature shall be elected in a partisan manner; to provide for the submission of the proposed amendment to the electors at the general election in November, 1974; to provide for the manner of submission and form of ballot; and to provide the effective date thereof.

Be it enacted by the people of the State of Nebraska,

Section 1. That at the general election in November, 1974, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, section 7, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 7. At the general election to be held in November, 1964, one half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years, and the remainder for a term of two years, and thereafter all members shall be elected for a term of four years, with the manner of such election to be determined by the Legislature; Provided, that when the Legislature is redistricted the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term. Each member shall be nominated and elected in a partisan manner. Each member of the Legislature shall receive a salary of not to exceed four hundred dollars per month during the term of his office. In addition to his salary, each member shall receive an amount equal to his actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than said salary and expenses, and employees of the Legislature shall receive no compensation other than their salary or per diem."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form: "Constitutional

> amendment providing for the election of members of the Legislature in a partisan manner.
>
> For
>
> Against"

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Mr. Carpenter moved for a Call of the House. The motion prevailed with 34 ayes, 3 nays and 12 not voting.

The Call showed 46 members present.

Mr. Stromer requested a roll call vote.

Mr. Simpson moved the Call be raised. The motion prevailed with 36 ayes, 2 nays and 11 not voting.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 28:

Anderson
Barnett
Carpenter
F. Carstens
Chambers
Clark
DeCamp
Dickinson
Duis
Epke
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kelly
F. Lewis
Luedtke
Mahoney
Marsh
Marvel
Moylan
Richendifer
Skarda
Snyder
Stromer
Stull
Waldron

Voting in the negative, 19:

Burbach
C. Carsten
Kennedy
Keyes
Kime
Kremer
R. Lewis
Maresh
Murphy
Nore
Proud
Rasmussen
Savage
Simpson
Stahmer
Syas
Warner
Whitney
Wiltse

Not voting, 2:

Cavanaugh
Schmit

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed of passage.

LEGISLATIVE BILL 29.

A BILL FOR AN ACT to amend section 71-605, Reissue Revised Statutes of Nebraska, 1943, relating to public health and welfare; to provide for inclusion of veteran information on death certificates and burial and transit permits; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Chambers
Clark
DeCamp
Dickinson
Duis
Epke
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Moylan
Murphy
Nore
Proud
Rasmussen
Richendifer
Savage
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 4:

Cavanaugh
Marvel
Schmit
Waldron

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 33.

A BILL FOR AN ACT to amend section 80-301, Reissue Revised Statutes of Nebraska, 1943, relating to soldiers and sailors; to provide for care of widows and mothers of veterans as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is 'Shall the bill pass?' "

Voting in the affirmative, 43:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Clark	Dickinson	Duis	Epke
Fellman	Fowler	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Keyes	Kime	Kremer
F. Lewis	R. Lewis	Luedtke	Mahoney	Maresh
Marsh	Moylan	Murphy	Nore	Proud
Rasmussen	Richendifer	Savage	Simpson	Skarda
Snyder	Stahmer	Stromer	Stull	Syas
Warner	Whitney	Wiltse		

Voting in the negative, 0.

Not voting, 6:

Cavanaugh	Chambers	DeCamp	Marvel	Schmit
Waldron				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 39.

A BILL FOR AN ACT to amend sections 45-117, 45-126, 45-345, and 45-347, Reissue Revised Statutes of Nebraska, 1943, and section 45-127, Revised Statutes Supplement, 1972, relating to interest; to increase certain fees; to enlarge the source and use of a special fund; to provide an exemption; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Chambers	Clark	DeCamp	Dickinson
Duis	Epke	Fellman	Fowler	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Kremer	F. Lewis	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Moylan	Murphy

Nore	Proud	Rasmussen	Richendifer	Savage
Simpson	Skarda	Snyder	Stahmer	Stromer
Stull	Syas	Warner	Whitney	Wiltse

Voting in the negative, 0.

Not voting, 4:

Cavanaugh	Marvel	Schmit	Waldron

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 130.

A BILL FOR AN ACT to amend sections 85-302 and 85-303, Reissue Revised Statutes of Nebraska, 1943, relating to the Board of Trustees of the Nebraska State Colleges; to delete a requirement for location of the office; to eliminate a requirement for the keeping of vouchers; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass;' "

Voting in the affirmative, 43:

Anderson	Barnett	Carpenter	C. Carsten	F. Carstens
Chambers	Clark	DeCamp	Dickinson	Duis
Epke	Fellman	Fowler	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kime
Kremer	F. Lewis	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Moylan	Murphy	Nore
Proud	Rasmussen	Savage	Simpson	Skarda
Snyder	Stahmer	Stromer	Stull	Syas
Warner	Whitney	Wiltse		

Voting in the negative, 0.

Not voting, 6:

Burbach	Cavanaugh	Marvel	Richendifer	Schmit
Waldron				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

GENERAL FILE

LEGISLATIVE BILL 197. Considered.

Mr. Carpenter asked unanimous consent to withdraw his pending amendment found in the Journal on page 344 for the Twenty-third Day. No objections. So ordered.

Mr. Carpenter offered the following amendment:

Strike in lines 9, 10 and 11 the sentence: "Such lease or lease-purchase agreements may not exceed a period of ~~five~~ twenty years."

The amendment was adopted with 15 ayes, 9 nays and 25 not voting.

Mr. Kelly moved to indefinitely postpone. The motion lost with 6 ayes, 23 nays and 20 not voting.

Mr. Carpenter moved to bracket LB 197 until February 14 on General File. The motion prevailed.

LEGISLATIVE BILL 247. Considered.

Laid over at the request of Mr. Goodrich.

ANNOUNCEMENT

Mr. Duis announced that there would be a Rules Committee meeting at 1:00 p.m.

UNANIMOUS CONSENT-Member Excused

Mr. Stromer asked unanimous consent to be excused this afternoon, Thursday and Friday. No objections. So ordered.

MOTION—Rule Change

Mr. Warner moved to amend Rule 6, section 2 by adding a subsection "(h) Any bill failing to receive 25 votes to be advanced to E & R Initial after two attempts shall be indefinitely postponed."

Referred to the Rules Committee.

UNANIMOUS CONSENT—Print in Journal

Mr. Chambers asked unanimous consent to have the following Attorney General's opinions printed in the Journal. No objections. So ordered.

January 18, 1971

Senator Ernest Chambers
Senator Wally Barnett
Senator John DeCamp
Nebraska State Legislature
State Capitol
Lincoln, Nebraska

Dear Senators:

You have asked for an opinion concerning the constitutionality of legislation requiring the election of city council members by districts in cities having home rule charters where such cities presently elect city council members at large. We would consider such legislation subject to attack on constitutional grounds, if it were limited to home rule cities.

In our opinion, any requirement of substituting at-large elections by elections from districts would be a matter of state-wide concern and hence a proper subject for legislation. However, limiting such districting requirements to home rule charter cities without making identical provision for cities of the same class operating without such charters would be questionable.

It would be well to state the principles which underlie these conclusions.

As you know, home rule charters are authorized by Article XI of the Constitution of the State of Nebraska, which states in part: that

> "/a/ny city having a population of more than five thousand (5,000) inhabitants may frame a charter for its own government, consistent with and subject to the constitution and laws of this state. * * *."

Therefore, cities of the metropolitan, primary and first classes may become home rule cities.

The latter part of the quoted provision which states that the charter must be "consistent with and subject to the constitution and laws of this state" has been interpreted by our courts to mean that such cities have power over local concerns while the state continues in its paramount role over matters of state-wide concern. In a 1970 opinion, the Nebraska Supreme Court in City of Millard v. City of Omaha, 185 Neb. 617, 620, 177 N. W. 2d 576, reviewed the general proposition and case law in detail. The rule emerges that:

> " '* * *. /w/ here the legislature has enacted a law effecting municipal affairs, but which is also of state concern, the law takes precedence over any municipal action taken under the home rule charter. But where the legislative act deals with a strictly local

> municipal concern, it can have no application to a city which has adopted a home rule charter. Whether or not an act of the legislature pertains to a matter of local or state-wide concern becomes a question for the courts when a conflict of authority arises.' * * *."

As a general proposition, matters pertaining to municipal elections are state affairs and pertinent legislation therefore is for the Legislature. Therefore a contest between two candidates for election in a home rule city was decided by state law, rather than by municipal ordinance, in McMaster v. Wilkinson, 145 Neb. 39, 15 N. W. 2d 348 (1944). This rests upon the legitimate concern of the state that the right to vote should be exercised in a manner consistent with constitutional principles. There exists no case in any jurisdiction, which has come to my attention, which has held that the state's legitimate interests extends to regulating the method and manner of exercising the franchise by requiring districting in municipalities. The agrument can be made that if no untoward bars to voter participation exists and if every vote is counted equally then it should be a matter of local concern whether to district or not. The answer to that argument was stated in Midwest Employers Council, Inc. v. City of Omaha, 177 Neb. 877, 887-88, 131 N. W. 2d 609 (1964):

> "This court in several opinions has stated that when the Legislature has enacted a law affecting municipal affairs, but which are also of statewide concern, such law takes precedence over any provisions in a home rule charter and the provisions of the charter must yield. * * *."

Of course the at-large election furnishes an area of state concern that in a municipality with a large population, some portions of the population may be benefited by electing their own representative from their own district who would be then charged to advance their particular interests. The state's concern in civil rights is apparent, and find express support in Midwest Employers Council, Inc. v. City of Omaha, supra, 177 Neb. 877, 887, insofar as fair employment practices. At-large elections have been critically mentioned in Lucas v. Colorado General Assembly, 377 U. S. 713, 731, 12 L. Ed. 2d 632, 644, 84 S. Ct. 1472 (1964) in which county apportionment was at issue:

> "* * *. One of the most undesirable features of the existing apportionment scheme was the requirement that, in counties given more than one seat in either or both of the houses of the General Assembly, all legislators must be elected at large from the county as a whole. Thus, under the existing plan, each Denver voter was required to vote for eight senators and 17 representatives. Ballots were long and cumbersome, and an intelligent choice among candidates for seats in the legislature was

> made quite difficult. No identifiable constituencies within the populous counties resulted, and the residents or those areas had no single member of the Senate or House elected specifically to represent them. Rather, each legislator elected from a multi-member county represented the county as a whole. * * *."

In a footnote at this point, the opinion pointed to the diverse interests which might well be contained in a single large entity:

> "21. We do not intimate that apportionment schemes which provide for the at-large election of a number of legislators from a county, or any political subdivision, are constitutionally defective. Rather, we merely point out that there are certain aspects of electing legislators at large from a county as a whole that might well make the adoption of such a scheme undesirable to mant voters residing in multimember counties."

Therefore there are strong reasons to anticipate that our Court would uphold such legislation as being of state-wide concern, but in advance as you know, the matter is always subject to doubt.

The matter of class legislation is a different matter. The rule states that a law must operate uniformly upon the class "within the relations or circumstances provided for." When examining home rule charter cities to discover if they are a class, keeping in mind the circumstances which give rise to this legislation, it becomes apparent that any vice inherent in at-large elections remains the same in cities of the same size regardless of whether they have charters or not. Legislation was declared unconstitutional in Axberg v. City of Lincoln, 141 Neb. 55, 2 N. W. 2d 613 (1942) which concerned firemen's pensions which was by its terms to apply only to "metropolitan cities and cities of the first class * * * except any city of the first class that has heretofore adopted a charter for its own government." The Supreme Court held that such legislation "applies to cities governed by home rule charters the same as other cities in the designated class."

Nor can the proposed legislation which we are discussing be saved by a provision which would limit its applicability to Nebraska municipalities which presently have home rule charters, i. e., Lincoln and Omaha. The reason for this is that the class would be frozen and operate nonuniformly on future members of the class.

You have by now anticipated from what has been stated, that a proper class might contain metropolitan and primary cities, as the amount of population is the most simply devised classification and, the two home rule cities fall within such a class. A classification containing metropolitan, primary and first class cities would also clearly pass muster.

In view of the above, it is our opinion that legislation can be framed to accomplish the objectives you describe.

Very truly yours,

CLARENCE A. H. MEYER
Attorney General

(Signed) Betsy G. Berger
Assistant Attorney General

BGB:ejg

ATTORNEY GENERAL OPINIONS

February 6, 1973

Senator J. W. Burbach
Nebraska State Legislature
State Capitol
Lincoln, Nebraska

Dear Senator Burbach:

You have requested our opinion whether the "one-man, one-vote" rule would apply to the county officials advisory committee, as that body is proposed in legislation currently pending before the First Session of the 83rd Legislature. In our opinion, said rule would not apply to this body.

L. B. 19 provides for an Ad Valorem Advisory Committee to "consult with and advise the Tax Commissioner" on property tax matters, to make recommendations, and to make certain studies. The members are to be county board members and county assessors chosen by such officers within each of six districts in the state. No two members may be from the same county. Further, Section 4 of L. B. 132 would provide funds for the expenses of this committee.

An examination of L. B. 19 and L. B. 132 will reveal that this committee will have no real power. It can only advise, make recommendations, and conduct studies. The Tax Commissioner served by the Committee could ignore its advice, or he could follow the advice of a single member of the Committee.

In general, the apportionment rules apply to bodies which have significant powers (sometimes "legislative" powers, per se, are required). See Keane v. Golka (D.C. Neb.), 304 F. Supp. 331. We know of no case which holds that a mere advisory body, having no real powers, need be apportioned according to any particular formula or constitutional standard.

In our opinion, membership on the present body may be apportioned as the Legislature sees fit, even though that apportionment may involve both population imbalance and geographical discontinuity.

Yours very truly,

CLARENCE A. H. MEYER
Attorney General

(Signed) Calvin E. Robinson
Assistant Attorney General

CER:ejg

February 7, 1973

Honorable John W. DeCamp
Member of the Legislature
Capitol Building
Lincoln, Nebraska

Dear Senator:

In your letter to this office you state that you are sponsoring a bill which, by constitutional amendment, would permit off-track wagering on horse races. You invite our attention to Article III, Section 24, Constitution of Nebraska, and suggest the possibility that by legislation the limitations of that constitutional provision can be avoided. You suggest specifically setting out in an act of the Legislature that "wagering parlors owned or leased by the race track are a part of the race track enclosure, even though said parlors may not be physically attached to the race track itself."

In general, Article III, Section 24 of the Nebraska Constitution prohibits the Legislature from authorizing any game of chance, lottery, or gift enterprise with certain exceptions. Prior to the amendment to this section in 1934 this language of the Constitution was held to prohibit parimutuel betting or any other kind of betting on horse races. See, State v. Aksarben Exhibition Co., 118 Neb. 851, 226 N. W. 705. Parimutuel betting was authorized in 1934 by this language:

> "***. Nothing in this section shall be construed to prohibit the enactment of laws providing for the licensing and regulation of wagering on the results of horse races by the parimutuel or certificate method, when conducted by licensees within the race track enclosure at licensed horse race meetings,***."

While the Legislature has the power and authority to define words used in any act, this power is limited and subject to a reasonable construction. It cannot be used to nullify and circumvent provisions of the Constitution by the simple expedient of defining terms used therein in an arbitrary, wrong and improper manner. Moeller, McPherrin & Judd v.

Smith, 127 Neb. 424, 255 N. W. 551. Attempting to authorize off-track parimutuel betting in the manner you propose by legislation rather than by constitutional amendment would, in our opinion, be clearly invalid.

Yours very truly,

CLARENCE A. H. MEYER
Attorney General

(Signed) Gerald S. Vitamvas
Deputy Attorney General

GSV:ejg
cc Mr. Vincent D. Brown
Clerk of the Legislature

NOTICE OF COMMITTEE HEARINGS

Government, Military and Veteran's Affairs

LR 9	Thursday, February 22, 1973	2:00 p.m.

(Signed) Ernest Chambers, Chairman

Labor

LB 320	Wednesday, February 21, 1973	2:00 p.m.
LB 342	Wednesday, February 21, 1973	2:00 p.m.
LB 343	Wednesday, February 21, 1973	2:00 p.m.
LB 371	Wednesday, February 28, 1973	2:00 p.m.
LB 372	Wednesday, February 28, 1973	2:00 p.m.
LB 442	Wednesday, February 28, 1973	2:00 p.m.
LB 333	Wednesday, March 7, 1973	2:00 p.m.
LB 350	Wednesday, March 7, 1973	2:00 p.m.

(Signed) Richard Maresh, Chairman

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 191. Placed on General File.

LEGISLATIVE BILL 192. Placed on General File.

(Signed) Roland A. Luedtke, Chairman

ADJOURNMENT

At 11:57 a.m., on a motion by Speaker Proud, the Legislature adjourned until 9:00 a.m., Thursday, February 8, 1973.

Vincent D. Brown
Clerk of the Legislature

TWENTY-FIFTH DAY—FEBRUARY 8, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE FIRST SESSION

TWENTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 8, 1973

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Marsh presiding.

PRAYER

Prayer was offered by the Chaplain.

> Creator and Preserver of all life: author and sustainer of our individual lives: high and beyond us, yet nearer than we can think; whose will moves everywhere—whose hand encompasses all the affairs of earth—in whom we live and move and have our being: we invoke your Name and seek your Presence, O Lord our God, as we assemble now for another segment of service. Conscious we are that the actions of this Legislature are being judged by those who have entrusted these offices to us: even more conscious must we be to labor as men and women under Divine judgment. May we stand tall in the eyes of all who watch us here. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Stromer who was excused, Fellman who was excused until 11:00 a.m. and Mr. DeCamp who was excused until 10:00 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-fourth Day was approved.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 38. Replaced on Select File as amended.
E & R amendment to LB 38:

1. On page 3, line 23, strike "the" and the first comma.

LEGISLATIVE BILL 70. Replaced on Select File as amended.
E & R amendment to LB 70:

1. on page 4, insert "~~and~~" at the end of line 11.

LEGISLATIVE BILL 198. Replaced on Select File as amended.
E & R amendment to LB 198:

1. On page 2, line 18, insert "or" after the comma.

LEGISLATIVE BILL 84. Placed on Select File.

LEGISLATIVE BILL 102. Placed on Select File as amended.
E & R amendments to LB 102:

1. In lieu of the Carpenter amendments to page 2, as amended by the Barnett amendment, on page 2, lines 3, 5, 16, and 22, strike "may" and insert "~~may~~ shall"; and in lines 3 and 4 strike "at its discretion and" and show the same as stricken.
2. On page 5, line 11, insert "established by the provisions of sections 43-629 to 43-632" after "program" and strike the same matter in lines 17 and 18; and in line 15 insert an underscored comma after "ability".
3. In the title, line 5, strike "to" and insert "of"; and in line 7, insert "to provide an exception;" after the semicolon.

LEGISLATIVE BILL 291. Placed on Select File as amended.
E & R amendments to LB 291:

1. On page 2, line 14, insert "and" before the first "in".
2. In the title, strike beginning with "to" in line 4 through "and" in line 5 and insert "to change duties;"; and in line 6 insert "; and to declare an emergency" after "section".

(Signed) John J. Cavanaugh, Chairman

STANDING COMMITTEE REPORT

Banking, Commerce and Insurance

LEGISLATIVE BILL 181. Placed on General File.

(Signed) Fred W. Carstens, Chairman

Constitutional Revision and Recreation

LEGISLATIVE BILL 104. Placed on General File as amended.

Standing Committee amendment to LB 104:

1. On page 3 lines 12 to 20, strike the new matter and insert the following:

"In order to encourage the creation and preservation of forest and wooded lands and of water areas in this state, the Legislature may by general law exempt from ad valorem taxation in whole or in part those lands and areas devoted to accomplishing such creation and preservation; Provided, that such exemption may not be extended to lands or areas which are urban in character, which are a part of or connected with a residential or commercial development, which are occupied by improvements, or which are used for producing income.".

(Signed) George Syas, Chairman

Public Health and Welfare

LEGISLATIVE BILL 32. Placed on General File as amended. Standing Committee amendments to LB 32:

1. Add a new section to read as follows:

"Sec. 4. The Director of Public Institutions, is authorized to select locations for such businesses and the type of services to be provided, and further to enter bids for the locations when it is determined that private business enterprises wish to bid competitively on the same locations for the same or similar type businesses.".

2. Renumber original section 4 and section 5.

3. On page 2, line 27, strike "twenty-one" and insert "~~twenty-one~~ nineteen".

LEGISLATIVE BILL 100. Placed on General File.

LEGISLATIVE BILL 115. Placed on General File as amended. Standing Committee amendment to LB 115:

1. On page 2, line 10, reinstate the stricken words, "or its equivalent".

LEGISLATIVE BILL 243. Placed on General File.

(Signed) Thomas C. Kennedy, Chairman

MOTION—Refer LR 13 to Committee

Mr. Hasebroock moved to refer LR 13 to a committee for public hearing. The motion prevailed with 33 ayes, 0 nays and 16 not voting.

ANNOUNCEMENT

Speaker Proud suggested that all committee hearings be finished by March 16.

SELECT FILE

LEGISLATIVE BILL 152. Laid over at the request of Mr. Whitney.

LEGISLATIVE BILL 35. E & R amendments found in the Journal on page 348 for the Twenty-fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 117. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 118. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 119. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 120. E & R amendment found in the Journal on page 348 for the Twenty-fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 121. E & R amendment found in the Journal on page 348 for the Twenty-fourth Day was adopted.

Bracketed at the request of Mr. Stahmer.

LEGISLATIVE BILL 124. E & R amendment found in the Journal on page 348 for the Twenty-fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 14. E & R amendments found in the Journal on page 348 for the Twenty-fourth Day were adopted.

Advanced to E & R for Engrossment.

STANDING COMMITTEE REPORTS

Government, Military & Veteran's Affairs

LEGISLATIVE BILL 13. Placed on General File.

(Signed) Ernie Chambers, Chairman

Education

LEGISLATIVE BILL 44. Indefinitely postponed.

LEGISLATIVE BILL 218. Indefinitely postponed.

LEGISLATIVE BILL 251. Indefinitely postponed.

LEGISLATIVE BILL 252. Placed on General File.

(Signed) Jerome Warner, Chairman

Rules

Rule 5, Sec. 5, subsection (a) only, as shown in Journal of Tenth Day–January 18, 1973, page 165.

Rule 5, Sec. 6 (g), as erroneously referred to as Rule "7", in Journal of Twenty-first Day–February 2, 1973, pages 315-316.

Reject proposed amendment to Rule 5, Sec. 5 (b), as shown in Journal of Tenth Day–January 18, 1973, page 165.

Reject proposed amendment to Rule 5 (d), as shown in Journal of Fourteenth Day–January 24, 1973, page 218.

(Signed) Herbert Duis, Chairman

NOTICE OF COMMITTEE HEARING

Appropriations

LB 311	Thursday, February 15, 1973	2:00 p.m.

(Signed) Richard Marvel, Chairman

Banking, Commerce and Insurance

LB 349	Monday, February 26, 1973	2:00 p.m.
LB 405	Monday, February 26, 1973	2:00 p.m.
LB 406	Monday, February 26, 1973	2:00 p.m.
LB 411	Monday, February 26, 1973	2:00 p.m.
LB 462	Monday, February 26, 1973	2:00 p.m.

(Signed) Fred W. Carstens, Chairman

Constitutional Revision and Recreation

LB 328	Thursday, March 8, 1973	2:00 p.m.
LB 356	Thursday, March 8, 1973	2:00 p.m.

LB 374	Thursday, March 15, 1973	2:00 p.m.
LB 389	Thursday, March 15, 1973	2:00 p.m.

(Signed) George Syas, Chairman

Revenue

LB 434	Wednesday, February 28, 1973	2:00 p.m.

(Signed) J. W. Burbach, Chairman

Judiciary

LB 409	Monday, February 19, 1973	2:00 p.m.
LB 433	Monday, February 19, 1973	2:00 p.m.
LB 436	Monday, February 19, 1973	2:00 p.m.
LB 446	Monday, February 19, 1973	2:00 p.m.
LB 456	Tuesday, February 20, 1973	2:00 p.m.
LB 474	Tuesday, February 20, 1973	2:00 p.m.
LB 354	Wednesday, February 21, 1973	2:00 p.m.
LB 26	Monday, February 26, 1973	2:00 p.m.
LB 129	Monday, February 26, 1973	2:00 p.m.
LB 304	Tuesday, February 27, 1973	2:00 p.m.
LB 451	Tuesday, February 27, 1973	2:00 p.m.
LB 8	Wednesday, February 28, 1973	2:00 p.m.
LB 329	Wednesday, February 28, 1973	2:00 p.m.

(Signed) Roland Luedtke, Chairman

SELECT COMMITTEE REPORTS

Correctly Engrossed

The following bills were correctly engrossed: 90, 132, 150, 200 and 200A.

Correctly Enrolled

The following bills were correctly enrolled: 29, 33, 39 and 130.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bills: 29, 33, 39 and 130.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 101A. By Schmit, 23rd District.

A BILL FOR AN ACT to appropriate four thousand seven hundred ten dollars from the state General Fund for the period of July 1, 1973 to June 30, 1974 to the Department of Health, Agency No. 20 for Program 177, Supporting Services, to aid in carrying out the provisions of Legislative Bill 101, Eighty-third Legislature, First Session, 1973.

GENERAL FILE

LEGISLATIVE BILL 74. Considered.

Mr. DeCamp offered the following amendment:

1. On page 4 line 6 after the period insert: "Beginning January 1, 1974, the county board of each county shall be authorized to fix the salaries for such officers as provided by the provisions of this act.".

The amendment lost with 16 ayes, 21 nays and 12 not voting.

Mr. Anderson offered the following amendment:

1. On page 2 line 7 strike "seventy-five"; and line 19 strike "five" and insert "four".
2. On page 3 line 5 strike "one hundred" and insert "~~hundred~~", line 6 strike "twenty-five", line 15 strike "three" and insert "one" and strike "seventy-five", and line 24 strike "ten" and insert "nine"; and line 25 after "thousand" insert "seven hundred".

The amendment was adopted with 22 ayes, 1 nay and 26 not voting.

Mr. Carpenter moved to indefinitely postpone. The motion prevailed with 26 ayes, 18 nays and 9 not voting.

LEGISLATIVE BILL 247. Considered.

Mr. Goodrich offered the following amendment which was adopted:

1. On page 2, line 7, insert "of demand deposits" after "depositories"; in line 8, insert "such" after "rate"; and strike the new matter in lines 10 to 12.

Advanced to E & R for Review with 29 ayes, 3 nays and 17 not voting.

LEGISLATIVE BILL 72. Title read. Considered.

Mr. Goodrich offered the following amendment which was adopted:
Amend LB 72 on page 2, line 7 by striking line 7 and the words "purpose, and" on line 8. On line 14 strike the words "Twenty-five" and insert "Fifteen".
Line 24, delete "forest lands and".

Mr. Schmit moved to indefinitely postpone.

Mr. Carpenter moved the previous question. The question is, "Shall the debate now cease?". The motion prevailed with 27 ayes, 0 nays and 22 not voting.

The Schmit motion prevailed with 34 ayes, 4 nays and 11 not voting.

LEGISLATIVE BILL 234. Laid over.

LEGISLATIVE BILL 249. Title read. Considered.

Standing Committee amendment found in the Journal on page 327 for the Twenty-second Day was adopted.

Mr. Skarda offered the following amendment:
Amend Line 10, page 2 from "one" to "two". Change title to conform.

Amendment pending.

Laid over at the request of Mr. Skarda.

LEGISLATIVE BILL 57. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 58. Title read. Considered.

Standing Committee amendment found in the Journal on page 334 for the Twenty-second Day was adopted.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 59. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 249. Considered.

Mr. Skarda asked unanimous consent to withdraw his pending amendment found in today's Journal. No objections. So ordered.

Mr. Skarda offered the following amendment:
In line 11, strike "two thousand" and insert "five thousand".

The amendment was adopted with 22 ayes, 4 nays and 23 not voting.

Mr. Stahmer offered the following amendment:
Amend LB 249, page 2, line 12, after "from any cause" add "connected with the performance of their duty in fire-fighting".

The amendment lost with 1 aye, 32 nays and 16 not voting.

Advanced to E & R for Review with 33 ayes, 1 nay and 15 not voting.

UNANIMOUS CONSENT—Change of Hearing Rooms

Mr. Mahoney asked unanimous consent for the Miscellaneous Subjects Committee to use the West Chamber this afternoon for their public hearing. No objections. So ordered.

Mr. F. Carstens asked unanimous consent for the Banking, Commerce and Insurance Committee to use the West Chamber on Tuesday, February 13, 1973 for their public hearing. No objections. So ordered.

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 157. Placed on General File.

LEGISLATIVE BILL 169. Placed on General File.

LEGISLATIVE BILL 227. Placed on General File.

(Signed) Roland A. Luedtke, Chairman

Miscellaneous Subjects

LEGISLATIVE BILL 27. Indefinitely postponed.

LEGISLATIVE BILL 203. Indefinitely postponed.

LEGISLATIVE BILL 37. Placed on General File.

LEGISLATIVE BILL 77. Placed on General File.

(Signed) J. James Waldron, Chairman

Banking, Commerce and Insurance

LEGISLATIVE BILL 165. Placed on General File as amended.
Standing Committee amendments to LB 165:

1. On page 7 in lines 20 to 27 strike the new matter and insert: "The department shall require each industrial loan and investment company to obtain a surety bond naming the industrial loan and investment company and the State of Nebraska, jointly, as obligees. The surety bond shall be conditioned to protect and indemnify the company from any and all loss of money or other personal property the company may incur, including that for which the company is responsible, through or by reason of the fraud, dishonesty, forgery, theft, embezzlement, wrongful abstraction, misapplication, misappropriation, or any dishonest or fraudulent act of or by any of its employees or officers. Such bond may contain a deductible clause as follows: Companies which have capital stock of twenty-five thousand dollars to fifty thousand dollars may maintain a deductible amount of one thousand dollars; companies whose capital stock is fifty thousand dollars to one hundred thousand dollars may maintain a deductible amount of five thousand dollars; and for each additional one hundred thousand dollars in capital stock an additional five thousand dollars in the deductible amount may be maintained.".

2. On page 8, strike lines 1 to 4 and in line 5 strike "officers or employees.".

3. On page 10 lines 8 and 17, strike the new matter and reinstate the stricken matter.

4. On page 11, line 13 strike the new matter and reinstate the existing matter; in line 14 after "indebtedness" insert an underlined period and strike the rest of the line and show the existing matter as stricken; and insert the following: "Such certificates of indebtedness shall be of two classes: Paid-up certificates and installment certificates. Paid-up certificates shall be issued in fixed denominations and shall be repayable at fixed future dates. Installment certificates shall be issued in passbook or other form and under such terms as the corporation may determine and shall evidence the original amount advanced by the holder thereof and be subject to the right of the holder to add further sums at such times as the holder may desire, and the balance therein may be withdrawn by the holder thereof, in whole or in part, at any time upon request, subject to the right of the corporation to require at least thirty days' notice of any such withdrawal. Different rates of interest may be paid on certificates of indebtedness with different amounts or with different maturities. By regulation"; in line 17 reinstate "the department" and after the stricken "obtained" insert "may provide" and reinstate the stricken "for"; in line 18 reinstate the stricken matter to the period; strike lines 19 to 24; in line 26 after "except" insert "that in an emergency when it is necessary to prevent hardship to the certificate holder, the corporation, in its discretion, may pay such certificate or a portion thereof before maturity. Before such payment is made"; and strike the rest of the line and show as stricken; in line 27 strike "authorized by the department, unless" and show as stricken.

5. On page 12, line 1 strike "signs" and show as stricken and insert "shall sign"; in line 2 after "that" insert "an emergency exists and that"; in line 3 strike the new matter; in line 5 reinstate the stricken matter

and strike the new matter; in line 6 after "may" insert "then"; in line 8 strike the new matter and after "interest" insert "up to but not more than three months".

6. On page 16 strike section 16 and renumber section 17 as section 16; in line 12 strike "the Director of Banking shall by regulation", in line 13 strike "provide" and insert "is permitted by section 8-410"; in line 20 strike "guilty of a felony and shall, upon conviction", and strike lines 21 to 23; in line 24 strike "both such fine and imprisonment" and insert "subject to a penalty to be assessed by the Department of Banking against such company not to exceed one thousand dollars for each violation. Such penalty may be collected in the manner prescribed for collection of assessments for the examination of such industrial loan and investment company.".

7. Renumber sections 18 and 19 as sections 17 and 18 respectively.

8. On page 18 insert a new section as follows:

"Sec. 19. The board of directors of any industrial loan and investment company may quarterly or semiannually declare a dividend out of net profits on its capital stock, but only under the following conditions:

(1) All bad debts, required to be charged off either by the directors or the department, shall have been charged off. All debts due any industrial loan and investment company on which interest is past due and unpaid for a period of six months, unless the same are well secured and in process of collection, shall be considered bad debts within the meaning of this section; and

(2) Twenty per cent of the net profits accumulated since the preceding dividend shall first have been carried to the surplus fund unless such surplus fund equals or exceeds the amount of the paid-up capital stock.".

9. Strike section 20 and insert the following:

"Sec. 20. Any losses incurred by any industrial loan and investment company in excess of its undivided profits shall be charged to its surplus fund. Its surplus fund shall thereafter be reimbursed from the earnings, and no dividends shall thereafter be declared or paid by any such industrial loan and investment company in excess of one half of its net earnings until such surplus fund shall be fully restored to its former amount or an amount equal to its capital.".

10. On page 19, line 23, strike "when interest calculated as" and all of lines 24 and 25 and insert a period.

11. On page 21, line 7 after "If" insert "charges have been precomputed and included in the scheduled installments, and if".

12. On page 22, line 15 after "rate" insert "as provided in section 8-435".

13. Add a new section 25 as follows:

"Sec. 25. That section 8-444, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-444. ~~A plain and complete receipt shall be given to the borrower for the amount of each payment at the time it is made.~~ Upon request an industrial loan and investment company shall give the borrower a receipt showing the date and amount of each payment made on account of any such loan.".

14. Renumber existing section 25 as section 26 and on page 22, line 26, strike "8-415"; in line 27, strike "and" and after "8-440" insert "and 8-444".

LEGISLATIVE BILL 166. Placed on General File as amended.
Standing Committee amendments to LB 166:

1. On page 2, line 14, strike "fee" and show as stricken.
2. On page 3, line 4, strike "21-17,117.01" and insert "20 of this act"; and in lines 8 and 22 strike "21-17,120", show as stricken and insert "21-17,126".
3. On page 4, line 6 after "regular" insert "or special", strike "at least"; line 7 strike "two-thirds" and after "directors" insert ", if the notice of the directors meeting contained a copy of the proposed amendment".
4. On page 5, line 7 strike "thirty" and insert "ten"; strike "reserve accounted" and insert "assets or five hundred dollars, whichever is greater,"; in line 22 strike "of" and insert "or"; and in line 26 after "Banking" insert "; or in the shares or accounts of savings and loan associations organized outside the State of Nebraska to the extent that such shares or accounts are insured with the approval of the Department of Banking".
5. On page 6, line 3 strike "21-17,120" and show as stricken and insert "21-17,126, except a credit union organized under section 21-17,117,"; in line 6 after "union" insert ", except a credit union organized under section 21-17,117,"; in line 8 strike the new matter and reinstate the stricken matter; in line 17 at the end of the line insert "(11) sell and assign loans to the central credit union or other financial instituions without recourse;"; and in line 18 strike "(12)" and show as stricken and insert "(13)".
6. On page 8, line 5 strike "21-17,120", show as stricken and insert "21-17,126"; in line 7 strike "at least"; in line 8 strike "at the close" and show as stricken; in line 9 strike "of its fiscal year" and show as stricken, line 9 strike "blank" and show as stricken; in line 10 after "department" add a period and strike rest of line 10 and show as stricken; and strike line 11 and show as stricken.
7. On page 9, line 8 strike "21-17,120" and show as stricken matter and insert "21-17,126"; in lines 11 and 12 strike the new matter; and in line 13 after "union," insert "require such corrective measures as may be deemed necessary or".
8. On page 10, line 11 before "annual" insert "first"; in line 13 strike "21-17,117.01" and insert "20 of this act, and"; in line 16 strike "either of such" and show as stricken; in line 17 strike "committees" and show as stricken and insert "the credit committee"; and strike the next sentence and show as stricken; in line 19 strike "committees" and show as stricken and insert "the credit committee"; reinstate the stricken matter in lines 21 and 22, strike the new matter in line 22; and after the reinstated "21-1784" insert "and section 20 of this act".
9. On page 11, lines 4 to 7 strike the new matter; in lines 9 to 12 strike the new matter and insert: "In addition, the board of directors shall, with approval of a two-thirds majority at such meeting, appoint a supervisory committee of not less than three members. No member of the board or the credit committee shall be eligible to serve on the supervisory committee. The members of the supervisory committee, as well as the officers whom they may elect, shall hold their offices for such terms as may be determined by the by-laws."; and in line 27 strike "21-17,120", show as stricken and insert "21-17,126".

10. On page 12, line 16 after the period, insert: "The board may appoint a membership officer or officers from among the members of the credit union, other than the treasurer, an assistant treasurer, or a loan officer, who may be authorized to approve applications for membership under such conditions as the board may prescribe, except such membership officer shall submit to the board at each monthly meeting a list of approved or pending applications for membership received since the previous monthly meeting, together with such other related information as the by-laws or the board may require.".

11. On page 13, line 7 strike "The" and insert "On or before January 1, 1974 the"; in line 12 strike "This" and insert "Such"; after line 16 insert "for more than thirty days"; in line 17 after "department" insert "after January 15, 1974"; and in line 25 strike "must" and show as stricken and insert "shall".

12. On page 14, line 2 strike "may" and show as stricken and insert "shall"; in line 11 strike "or her" and show as stricken; in line 15 strike "must" and show as stricken and insert "shall"; in line 16 after "committee" insert "present"; and in line 21 strike "borrowers" and show as stricken and insert "borrower, unless such borrower is his spouse or child".

13. On page 15, line 1 strike "must", show as stricken and insert "shall"; in line 2 reinstate "two" and "five" and strike "one"; in line 3 reinstate "hundred"; in line 7 strike "securities", show as stricken and insert "security"; in line 9 strike "21-17,120", show as stricken and insert "21-17,126", reinstate the stricken "and", strike ", and the Department", in line 10 strike "of Banking"; in line 22 strike "accounting firm" and insert "accountant"; and in line 26 strike "This", show as stricken and insert "Such".

14. On page 16, line 10 strike "accounting firm" and insert "accountant"; and in line 15 strike "This", show as stricken and insert "Such".

15. On page 17, line 17 strike "withdrawal", show as stricken and insert "share".

16. On page 18, line 21 strike "21-17,120", show as stricken and insert "21-17,126"; and in line 22 strike "must", show as stricken and insert "shall".

17. On page 19, line 15 strike "must", show as stricken and insert "shall".

18. On page 20, line 4 strike "21-17,120", show as stricken and insert "21-17,126"; in line 8 after the period insert: "Organizations which are organized for the purpose of furthering credit union activities, and their employees may have membership in such credit union."; in line 15 after "the" insert "first"; in line 22 strike "of its" and insert "on the" and after "directors" insert "one member on the" and after "committee" strike the comma and insert "and one member on the"; and in line 23 strike ", or other officials".

19. On page 21, in line 3 strike "but"; strike line 4; in line 5 strike "consecutive years", strike "last" and insert "first"; in line 7 after "members" insert a comma and strike the rest of the line; strike lines 8 and 9 and insert "none of whom shall be a member of the board of directors or the credit committee."; in line 13 strike "transfer" and insert "accept the" and after "union" insert "or cooperative credit association"; in line 14 strike "must" and insert "shall"; in line 16

after "union" insert "or association"; in line 16 strike "All member" and strike lines 17 to 20. Insert a new section 23 to read as follows:

"Sec. 23. All member credit unions may borrow and invest up to an amount specified by the board of directors of the central credit union in accordance with the limitations of subdivision (8) (a) of section 21-1773. The central credit union may purchase all or any part of a loan originated by a member credit union to one of its individual members, who does not need to be a member of the central credit union.".

20. Renumber original section 23 as section 24.

(Signed) F. Carstens, Chairman

NOTICE OF COMMITTEE HEARING

Miscellaneous Subjects

LB 78	Thursday, February 15, 1973	2:00 p.m.
LB 330	Thursday, February 15, 1973	2:00 p.m.

(Signed) J. James Waldron, Chairman

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 102A. By Savage, 10th District; Schmit, 23rd District.

A BILL FOR AN ACT to appropriate one hundred thirty-nine thousand one hundred seventy-two dollars from the state General Fund and twenty-two thousand fifty dollars from the University Hospital Cash Fund for the period of July 1, 1973 to June 30, 1974 to the University of Nebraska Medical Center Agency No. 51-3, for Program 731, Instruction, Research and Treatment Support, to aid in carrying out the provisions of Legislative Bill 102, Eighty-third Legislature, First Session, 1973; to provide restrictions; and to appropriate nine thousand three hundred sixty dollars from the state General Fund for the period of July 1, 1973 to June 30, 1974 to the Department of Education, Agency No. 13 for Program 292, Special Education School Aid, to aid in carrying out the provisions of Legislative Bill 102, Eighty-third Legislature, First Session, 1973.

LEGISLATIVE BILL 40A. By Stull, 49th District.

A BILL FOR AN ACT to appropriate fifty-nine thousand nine hundred seventy-one dollars from the state General Fund for the period of July 1, 1973 to June 30, 1974, to the Supreme Court, Agency No. 05, for Program 396, county court system, to aid in carrying out the provisions of Legislative Bill 40, Eighty-third Legislature, First Session, 1973; and to declare an emergency.

UNANIMOUS CONSENT–Members Excused

Messrs. Nore and Carpenter asked unanimous consent to be excused tomorrow, February 9. No objections. So ordered.

VISITORS

President Marsh introduced 40 Fourth Grade students and their teachers Mesdames Stall and Dougherty from Waverly No. 145 from Eagle, Nebraska.

President Marsh introduced 40 high school students and their teacher Marge Hathaway from Waverly, Nebraska.

President Marsh introduced 63 high school students and their teacher, Mr. Dale Kerkman from Aquinas High School, David City, Nebraska.

President Marsh introduced 55 grade school students from Meadow Lane Elementary School, Lincoln, Nebraska.

ADJOURNMENT

At 11:53 a.m., on a motion by Mr. Hasebroock, the Legislature adjourned until 9:00 a.m., Friday, February 9, 1973.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

TWENTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 9, 1973

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Marsh presiding.

PRAYER

Prayer was offered by the Chaplain.

> This is the first and the great commandment: "You shall love the Lord your God with all your heart, and with all your soul, and with all your mind."
>
> And the second is like unto it: "You shall love your neighbor as yourself."
>
> Keep before this Legislature, O Lord our God, the broad outline of those eternal laws, and keep us loyal to them in all our lawmaking. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Carpenter, Nore and Stromer who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-fifth Day was approved.

UNANIMOUS CONSENT—Member Excused

Mr. Wiltse asked unanimous consent to be excused at 9:45 a.m. this morning until he returns. No objections. So ordered.

MESSAGES FROM THE GOVERNOR

February 7, 1973

Mr. Vince Brown
Clerk of the Legislature
State House
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 47, 49, and 54. These bills were signed by me on February 6, 1973 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

February 8, 1973

Mr. Vince Brown
Clerk of the Legislature
State House
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 52 and 93. These bills were signed by me on February 7, 1973 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

REFERENCE COMMITTEE REPORT

LB	Committee
LR13	Public Works Committee

(Signed) Eugene Mahoney, Vice-chairman

NOTICE OF COMMITTEE HEARING
Committee on Committees

The Committee on Committees will meet at 12:30 p.m., Monday, February 19, 1973, for the purpose of hearing appointments submitted by Governor J. James Exon as follows:

State Board of Health

A. B. Pittman, DVM
W. James Wells, Jr.
Jack James, O.D.
Dr. Harold G. Wieseman

(Signed) Ramey C. Whitney, Chairman

LOBBYIST REPORT

In accordance with LB 302, passed in the 1965 session of the Legislature, the attached is a list of all lobbyists who have registered as of February 8, 1973. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Vincent D. Brown
Clerk of the Legislature

Hansen, Mrs. Eulalia – Edgar, Nebraska Educational Service Unit Board Association.
Jaksha, E. A. – Omaha, Northwestern Bell Telephone Company
Matt, Paul G. III – Lincoln, James E. Ryan
Tews and Noren – Lincoln
  Charles F. Noren and David D. Tews, Media of Nebraska, Nebraskans for Decent Expression, Nebraskans for State Office Building
Williams, H. W. – Omaha, Motor Club Insurance Association

UNANIMOUS CONSENT—Unbracket LB 188

Mr. Kremer asked unanimous consent to unbracket LB 188 on Select File. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 188. Mr. Kremer offered the following amendment which was adopted by unanimous consent:

Section 3. The Nebraska Natural Resources Commission shall have sole power and authority to specify the date and all other terms for the sale of any lands or rights-of-way acquired wholly or in part with funds from the Small Watersheds Flood Control Fund administered pursuant to sections 2-1502 to 2-1503.02 and to require the execution of all necessary documents to complete such sales. The Commission shall, upon acquisition by the local organization of any such lands or rights-of-way, prepare and file with the register of deeds in the county where such lands or rights-of-way are located an affidavit stating that state funds were utilized for the acquisition of said lands or rights-of-way by the organization receiving such funds, and that said lands or rights-of-way cannot be sold, conveyed, granted, or in any way transferred by such organization except at the direction of the Commission and in compliance with Commission rules and regulations. The Commission shall also, within 30 days of the effective date of this act, file an affidavit as above described against each tract of land or right-of-way acquired by the local organization wholly or in part with funds from the Small Watersheds Flood Control Fund prior to the effective date of this act, and shall upon the completion of filing assume the sole power and authority to specify the date and all other terms for the sale and to require the execution of all necessary documents to complete the sale of all lands or rights-of-way affected thereby.

Change Section 3 to Section 4.

Change title.

Add emergency clause

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 152. Mr. Whitney offered the following amendment which was adopted by unanimous consent:

1. Strike standing committee amendment 1 and that part of amendment 2 that amends page 6, lines 23 and 24.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 38. E & R amendment found in the Journal on page 365 for the Twenty-fifth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 70. E & R amendment found in the Journal on page 366 for the Twenty-fifth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 198. E & R amendment found in the Journal on page 366 for the Twenty-fifth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 84. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 102. E & R amendments found in the Journal on page 366 for the Twenty-fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 291. E & R amendments found in the Journal on page 366 for the Twenty-fifth Day were adopted.

Advanced to E & R for Engrossment.

MOTIONS—Introduction of Bills

Mr. Whitney moved the introduction of a new bill, Request No. 661, by the Committee on Nebraska Retirement Systems. The motion prevailed with 33 ayes, 0 nays and 16 not voting.

Mr. Whitney moved the introduction of a new bill, Request No. 754, by the Committee on Nebraska Retirement Systems. The motion prevailed with 32 ayes, 0 nays and 17 not voting.

Mr. Whitney moved the introduction of a new bill, Request No. 755, by the Committee on Nebraska Retirement Systems. The motion prevailed with 31 ayes, 0 nays and 18 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 478. By Retirement Committee: Whitney, 44th District, Chairman; Luedtke, 28th District; Hasebroock, 18th District; Marvel, 33rd District; F. Lewis, 45th District.

A BILL FOR AN ACT to amend section 24-707, Reissue Revised Statutes of Nebraska, 1943, and section 24-710, Revised Statutes Supplement, 1972, relating to the judges retirement system; to provide for survivorship benefits; to give judges a different method of obtaining the retirement annuity; to provide for rules and regulations; and to repeal the original sections.

LEGISLATIVE BILL 479. By Retirement Committee: Whitney, 44th District, Chairman; Marvel, 33rd District; Hasebroock, 18th District; Luedtke, 28th District; F. Lewis, 45th District.

A BILL FOR AN ACT to amend section 84-1320, Reissue Revised Statutes of Nebraska, 1943, relating to the State Employees Retirement Act; to provide for changes regarding prior service benefits as prescribed; and to repeal the original section.

LEGISLATIVE BILL 480. By Retirement Committee: Whitney, 44th District, Chairman; F. Lewis, 45th District; Hasebroock, 18th District; Luedtke, 28th District.

A BILL FOR AN ACT to amend sections 15-1007, 35-203.01, and 35-212, Reissue Revised Statutes of Nebraska, 1943, and section 16-336, Revised Statutes Supplement, 1972, relating to pensions; to eliminate restrictions on the return of contributions; and to repeal the original sections.

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on February 9, 1973 at 9:20 a.m. the following bills: 29, 33, 39 and 130.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORT

Correctly Engrossed

The following bills were correctly engrossed: 19, 35, 40, 95, 117, 118, 119, 120, 124 and 137.

(Signed) John J. Cavanaugh, Chairman

NOTICE OF COMMITTEE HEARINGS

Continuation

Appropriations

LB 259 Tuesday, February 13, 1973
1:30 Secretary of State
2:00 Revenue
3:00 Natural Resources Comm.
4:00 Aeronautics

LB 259 Wednesday, February 14, 1973
1:30 Environmental Control
2:30 Department of Labor
3:30 Commission on Law Enforcement and Criminal Justice

LB 259 Thursday, February 15, 1973
1:30 Department of Agriculture
2:30 Historical Society
3:30 Motor Vehicles

(Signed) Richard D. Marvel, Chairman

UNANIMOUS CONSENT—Print In Journal

Mr. Stahmer asked unanimous consent to have the following amendments on LB 300 printed in the Journal. No objections. So ordered.

Add a New Section, 79-107:

Whenever a district contains more than three high schools, it may choose to form a confederated school district by a majority vote of the electors living within said district. Said vote may be upon a plan submitted to the electors of said district by:

A. The school board of said district

B. The county committee for school reorganization of which said district is a part, or

C. A petition signed by 1% of the electors of said district.

Whenever a plan for confederation shall be submitted to the electors of said district, it shall contain provisions for:

A. The division of the districts into as many subdistricts as there are high schools within the district, said high school district lines being drawn to include the supporting grade school and junior high attendance areas that supply students to their respective high schools.

B. The election of high school boards for each high school within the confederated district, each said high school board having an equal number of members serving an equal term of office, elected at a caucus from those electors living within election boundary lines drawn as part of said plan, said lines being coterminous with the attendance area of said high schools; and all of the area and schools within each such high school district shall be designated by the name of said high school.

C. The creation of a managing board for the confederation, consisting of one member selected by each high school board from their membership.

The powers and duties of the high school boards shall pertain to the high school, junior highs and grade schools within the high school district and shall include, but not be limited to:

A. Admitting any student living within the entire confederated district without tuition, or to accept other students from other districts upon payment of tuition.

B. Setting acceptable codes of conduct, and to suspend or expell students for disciplinary reasons for schools within its district following due process proceedings.

C. Devising course offerings and selecting textbooks deemed most suitable for the students attending said schools within its district.

D. Requesting the managing board of the confederation to reassign any teacher or other employee not deemed suitable for said high school district.

The powers and duties of said managing board of the confederation shall include, but not be limited to:

A. Hiring all personnel; assigning them to the various schools within the confederated district; reassigning them upon request of a high school board; and removing them for good cause as shall be outlined in their contract for employment.
B. Establishing a pay and retirement program for all employees, which shall be uniform throughout the confederated district.
C. Setting a yearly budget for the confederation and each high school district based upon requests made by each high school board, taking into account the differing needs of children within the confederation.
D. Making all purchases for the confederation upon needs as established within the annual budget.
E. Providing for the purchase or sale of lands and the construction, maintenance, and when necessary, the demolition or removal of all schools or other buildings required within the confederated district.
F. Funding the needs arising under (E) above by the sale of bonds as authorized by law, and/or through a special building fund levy, not to exceed six mills upon the taxable, tangible property within the confederated district.
G. Insuring that all state statutes are complied with within the confederated district that deal with general provisions for:

1. School children living within or attending school within that confederated district
2. Employees
3. Buildings and grounds
4. Budgets
5. Encumbrances
6. Instruction
7. Discipline, and
8. Other provisions applying to all school districts.

H. Assuming all powers not reserved by this statute for high school districts or assigned to them by the managing board.

UNANIMOUS CONSENT–Member Excused

Mr. Stahmer asked unanimous consent to be excused at 10:00 a.m. this morning. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 234. Title read. Considered.

Standing Committee amendments found in the Journal on page 326 for the Twenty-second Day were adopted.

Advanced to E & R for Review with 34 ayes, 0 nays and 15 not voting.

LEGISLATIVE BILL 24. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays and 19 not voting.

LEGISLATIVE BILL 71. Laid over temporarily.

LEGISLATIVE BILL 107. Title read. Considered.

Standing Committee amendment found in the Journal on page 349 for the Twenty-fourth Day was adopted.

Advanced to E & R for Review with 31 ayes, 0 nays and 18 not voting.

LEGISLATIVE BILL 108. Title read. Considered.

Mr. F. Carstens offered the following amendment which was adopted:
Add the emergency clause.

Advanced to E & R for Review with 33 ayes, 0 nays and 16 not voting.

LEGISLATIVE BILL 71. Title read. Considered.

Standing Committee amendment found in the Journal on page 349 for the Twenty-Fourth Day was adopted.

Bracketed until February 16 at the request of Mr. Mahoney.

LEGISLATIVE BILL 133. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays and 19 not voting.

LEGISLATIVE BILL 178. Title read. Considered.

Standing Committee amendments found in the Journal on page 349 for the Twenty-fourth Day were adopted.

Mr. Simpson offered the following amendments which were adopted:

1. Add a new section to read as follows:

"Sec. 2. It shall be unlawful for any person knowingly and willfully to falsify, conceal, or cover up by any trick, scheme, or device a material fact, or make any false, fictitious, or fraudulent statements or representations, or make or use any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry regarding the prior racing record, pedigree, identity or ownership of a registered animal in any matter related to the breeding, buying, selling, or racing of such animal. Whoever violates any provision of this section shall be fined not more than ten thousand dollars or imprisoned for not more than five years, or be both so fined and imprisoned.".

2. Renumber original section 2 as section 3.

Bracketed until February 16 at the request of Mr. Dickinson.

LEGISLATIVE BILL 201. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 3 nays and 18 not voting.

LEGISLATIVE BILL 176. Title read. Considered.

Standing Committee amendment found in the Journal on page 351 for the Twenty-fourth day was adopted with 18 ayes, 8 nays and 23 not voting.

Mr. Whitney offered the following amendment:
Amend Section 1, line 3, after the word "symbol" insert the words "at the regular price of ordinary license plates".

Mr. Mahoney offered the following amendment to the Whitney amendment:
Amend the Whitney amendment to read "without cost" after word "symbol" in line 3.

The Mahoney amendment was adopted.

The Whitney amendment, as amended, is pending.

Bracketed until February 16 at request of Mr. Anderson.

LEGISLATIVE BILL 245. Title read. Considered.

Standing Committee amendment found in the Journal on page 351 for the Twenty-fourth Day was adopted.

Advanced to E & R for Review with 29 ayes, 0 nays and 20 not voting.

UNANIMOUS CONSENT–Member Excused

Mr. DeCamp asked unanimous consent to be excused at 11:15 a.m. for the remainder of the morning. No objections. So ordered.

SPEAKER PROUD PRESIDING

GENERAL FILE

LEGISLATIVE BILL 112. Title read.

Mrs. Marsh asked unanimous consent to bracket the bill until Tuesday, February 13 and the following amendments printed in the Journal. No objections. So ordered.

1. On page 9 lines 8 to 10 strike "executive director of the commission or an attorney on the staff of the Attorney General" and insert "parties, their attorneys, or by the executive director of the commission".

LEGISLATIVE BILL 191. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 192. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

PRESIDENT MARSH PRESIDING

LEGISLATIVE BILL 181. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 104. Mr. Syas asked unanimous consent to place the bill at the bottom of General File. No objections. So ordered.

LEGISLATIVE BILL 32. Title read. Considered.

Standing Committee amendments found in the Journal on page 367 for the Twenty-fifth Day were adopted.

Mr. Goodrich offered the following amendment, which was adopted:
Line 17, after "property" insert "with the approval of the local governing bodies".

Mr. Moylan offered the following amendment, which was adopted:
Page 2, line 10, strike "shall" and reinstate "may".

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 100. Title read. Considered.

Mr. Barnett moved for a Call of the House on advancing LB 100. The motion prevailed with 26 ayes, 4 nays and 19 not voting.

The Call showed 37 members present.

Mr. Goodrich moved the Call be raised. The motion prevailed with 19 ayes, 15 nays and 15 not voting.

Failed to advance to E & R for Review with 24 ayes, 0 nays and 25 not voting.

SPEAKER PROUD PRESIDING

LEGISLATIVE BILL 115. Title read. Considered.

Standing Committee amendment found in the Journal on page 367 for the Twenty-fifth Day was adopted with 15 ayes, 4 nays and 30 not voting.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

PRESIDENT MARSH PRESIDING

LEGISLATIVE BILL 100. Considered.

Advanced to E & R for Review with 26 ayes, 2 nays and 21 not voting.

UNANIMOUS CONSENT–Members Excused

Mrs. Marsh and Mr. Epke asked unanimous consent to be excused Monday, February 12, 1973. No objections. So ordered.

REFERENCE COMMITTEE REPORT

LB	Committee
478	Nebraska Retirement Systems
479	Nebraska Retirement Systems
480	Nebraska Retirement Systems

(Signed) Eugene T. Mahoney, Vice-Chairman
Executive Board

NOTICE OF COMMITTEE HEARINGS
Education

LB 275	Monday, February 19, 1973	2:00 p.m.
LB 278	Monday, February 19, 1973	2:00 p.m.
LB 358	Monday, February 19, 1973	2:00 p.m.
LB 362	Monday, February 19, 1973	2:00 p.m.
LB 395	Monday, February 19, 1973	2:00 p.m.
LB 402	Monday, February 19, 1973	2:00 p.m.
LB 355	Tuesday, February 20, 1973	2:00 p.m
LB 370	Tuesday, February 20, 1973	2:00 p.m.

LB 386	Tuesday, February 20, 1973	2:00 p.m.
LB 407	Tuesday, February 20, 1973	2:00 p.m.
LB 422	Tuesday, February 20, 1973	2:00 p.m.

(Signed) Jerome Warner, Chairman

Education

The following State Aid Bills will be heard on Monday, February 26, 1973, and continued on Tuesday, February 27, 1973, at 2:00 p.m. in the East Chamber: LB 28, LB 106, LB 171, LB 172, LB 287, LB 470, LB 472.

(Signed) Jerome Warner, Chairman

STANDING COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 51. Placed on General File.

(Signed) Fred W. Carstens, Chairman

Public Health and Welfare

LEGISLATIVE BILL 20. Placed on General File as amended.
Standing Committee amendment to LB 20:
1. On page 2 line 11 strike "five" and insert "seven".

LEGISLATIVE BILL 30. Placed on General File.

LEGISLATIVE BILL 185. Placed on General File as amended.
Standing Committee amendment to LB 185:
1. On page 3 line 18, strike "net" and insert "adjusted", and line 19 strike "prescribed by regulation of" and insert "required by".

(Signed) Thomas C. Kennedy, Chairman

Constitutional Revision and Recreation

LEGISLATIVE BILL 242. Indefinitely postponed.

(Signed) Gary L. Anderson, Vice-Chairman

UNANIMOUS CONSENT—Print in Journal

Mr. Luedtke asked unanimous consent to have the following amendment to LB 157 printed in the Journal. No objections. So ordered.

1. Reinstate the stricken matter on page 9.
2. On page 12, line 13, insert "section 21-2209, and" after "also".

ADJOURNMENT

At 11:51 a.m., on a motion by Mr. Syas, the Legislature adjourned until 10:00 a.m., Monday, February 12, 1973.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

TWENTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 12, 1973

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Proud presiding.

PRAYER

The prayer was given by Rev. Cecil Johnson from First Covenant Church, Lincoln.

> O God, Creator of all things, we lift up our hearts in gratitude to you for this day's happiness; especially for our released presence of way for the sheer joy of living; for all sights and sounds around me; for friendship and good company; for work to perform and the skill to do it; for a time to relax when the day's work was done, and for health and a glad heart to enjoy it.
>
> Let us always realize, O God, that life is a pilgrimage; that we have here no eternal city, but we seek one to come.
>
> We thank you, O Lord, that you have put eternity in our hearts, so that no earthly things can ever satisfy us completely. So we offer our praise for the sure hope and promise of an endless life which is revealed to us by the excellent Good News about our Savior which is Christ Jesus. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Epke and Schmit who were excused; Mrs. Marsh who was excused; Mr. Fellman who was excused until he arrives; and Mr. Johnson who was excused for an indefinite time.

CORRECTIONS FOR THE JOURNAL

Page 385, line 8, delete "19" and insert "9".
The Journal for the Twenty-sixth Day was approved as corrected.

ANNOUNCEMENTS

Speaker Proud announced that Mr. Gerdes is in the hospital in Washington, D.C.

Mr. Carpenter announced that the Executive Board had decided that Mr. Vince Brown carry on Mr. Gerdes' duties until he returns.

NOTICE OF COMMITTEE HEARINGS

Committee on Committees

February 12, 1973

The Committee on Committees will meet at 1:00 p.m., Thursday, February 22, 1973, for the purpose of hearing appointments submitted by Governor J. James Exon as follows:

Richard L. DeBacker – Court of Industrial Relations
John T. Grant – Court of Industrial Relations
John J. Gabarron – Commission on Fire Fighting Personnel Standards and Education

(Signed) Ramey C. Whitney, Chairman

Public Health and Welfare

LB 416	Monday, February 26, 1973	2:00 p.m.
LB 461	Monday, February 26, 1973	2:00 p.m.
LB 286	Tuesday, February 27, 1973	2:00 p.m.
LB 418	Tuesday, February 27, 1973	2:00 p.m.
LB 404	Monday, March 5, 1973	2:00 p.m.
LB 449	Monday, March 5, 1973	2:00 p.m.
LB 347	Monday, March 5, 1973	2:00 p.m.

(Signed) Thomas Kennedy, Chairman

Miscellaneous Subjects

LB 111	Thursday, February 22, 1973	2:00 p.m.
LB 366	Thursday, Feburary 22, 1973	2:00 p.m.
LB 381	Thursday, February 22, 1973	2:00 p.m.
LB 419	Thursday, February 22, 1973	2:00 p.m.

(Signed) J. James Waldron, Chairman

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 102. Replaced on Select File as amended.
E & R amendments to LB 102:

1. In lieu of the Carpenter and Barnett amendments thereto, on page 2, lines 18 and 19, insert an underscored comma after "institution" and strike "in the United States of America," and show the same as stricken.

2. On page 5, line 16, strike "childs' " and insert "children's".

LEGISLATIVE BILL 291. Replaced on Select File as amended.
E & R amendment to LB 291:

1. On page 2, line 15, strike "are" and insert "is" and insert an underscored comma after "shall".

LEGISLATIVE BILL 247. Placed on Select File as amended.
E & R amendment to LB 247:

1. In the title, strike line 5 and "section; and" in line 6 and insert "limit pro rate provisions to demand deposits;"; and in line 6, insert "; and to declare an emergency" after "section".

LEGISLATIVE BILL 57. Placed on Select File.

LEGISLATIVE BILL 58. Placed on Select File as amended.
E & R amendments to LB 58:

1. In lieu of the standing committee amendment, on page 3, line 20, strike "~~boy~~ child" and insert "boy or girl".

2. On page 3, strike the comma in lines 6 and 8; and in line 22, strike "respective".

LEGISLATIVE BILL 59. Placed on Select File.

LEGISLATIVE BILL 249. Placed on Select File as amended.
E & R amendments to LB 249:

1. In lieu of the Skarda amendment, on page 2, line 11, strike "two" and insert "~~two~~ five".

2. In the title, strike lines 4 to 6 and insert "firemen; to provide for only one policy of insurance and increase the amount thereof; and to repeal the original".

Correctly Engrossed

The following bills were correctly engrossed: 14, 38, 70, 84, 152 and 198.

(Signed) John Cavanaugh, Chairman

STANDING COMMITTEE REPORTS

Constitutional Revision and Recreation

LEGISLATIVE BILL 255. Placed on General File as amended.
Standing Committee amendments to LB 255:

1. On page 2, line 5 strike "may" and insert "shall", on line 27 strike "for" and insert "to be permanently affixed to".
2. On page 3, line 12 strike "Provided," and strike all of lines 13 and 14, line 17 strike the period and insert "; and", after line 17 insert "(6) Motor vehicles being operated by the holders of easements across permit areas or their agents, employees, or contractors.", strike line 26, and line 27 strike "motor vehicles" and insert "may be purchased by any person".
3. On page 4, line 2 strike "registered in the name", strike line 3 to the period, lines 4 and 5 strike "shall be issued for any registered licensed motor vheicles" and insert "may be purchased by any person", line 9 strike "permitted", line 10 insert after "vehicle" the words "to which a permit is attached", line 13 insert "permanently" before "affixed", and lines 14 and 16 insert "motor" before "vehicles".
4. On page 5, line 1 strike "twenty-five" and insert "fifteen", line 10 insert after the period "The commission may designate the dates for which a permit shall be required for any permit area.", on lines 13, 18, and 19 insert "motor" before "vehicle", and on line 19 insert "permanently" before "affixed".
5. On page 6, line 2 insert after "imprisonment" ", and in addition to such penalties shall be required by the court to purchase a temporary permit", line 22 strike "dispursed" and insert "disbursed", line 23 insert before "maintenance" "administration, operation and", and on line 23 strike "and improvement of state parks" and insert "of those areas, or portions of areas, of the state park system which are designated as fee use areas".
6. On page 6 add a new section 16 to read as follows:
"Sec. 16. This act shall become operative on January 1,
2 1974.".

(Signed) Gary L. Anderson, Vice-chairman

Labor

LEGISLATIVE BILL 96. Indefinitely postponed.

LEGISLATIVE BILL 125. Indefinitely postponed.

(Signed) Richard Maresh, Chairman

Education

LEGISLATIVE BILL 65. Placed on General File as amended.
Standing Committee amendments to LB 65:

1. On pages 3 and 4 strike lines 14 and 15 of page 3, and renumber subsections (2) to (9) as subsections (1) to (8) respectively.
2. On page 3, line 23 insert "the" before "particular"; line 24 strike "periods of" and insert "year for".
3. On page 4, lines 22 to 24 strike the last sentence beginning on line 22.
4. On page 2, lines 18 and 27, page 4, lines 9 and 26, page 5, line 9 strike "Commissioner" and insert "State Board".

(Signed) Jerome Warner, Chairman

Public Health and Welfare

LEGISLATIVE BILL 285. Placed on General File.

LEGISLATIVE BILL 103. Placed on General File as amended.
Standing Committee amendments to LB 103:

1. On page 2 line 4 strike "~~and primary~~"; in line 5 before "first" insert "primary,; and after "first" insert a comma ",".
2. On page 2 line 11 after "plumber" insert "except that in cities of the metropolitan class the board shall consist of the chief health officer, or his designated representative, two journeymen plumbers, and two master plumbers".
3. On page 2 line 24 after "village," insert "except that in cities of the metropolitan class members of the plumbing board shall be residents or live within the zoning jurisdiction of such city,"
4. On page 2 line 26 after the period insert "The members of the board in metropolitan class cities shall be licensed within such cities and the chief plumbing inspector, who shall also be licensed within such city, shall act in a direct advisory capacity to the plumbing board.".
5. On page 3 line 1 after the period insert "The board shall organize by selecting a chairman and in cities of the metropolitan class a recording secretary shall be furnished to such board.".
6. On page 3 line 9 strike "one and two" and show as stricken and insert "three", after years strike the comma "~~,~~" and insert a period "."; and strike lines 10 and 11 and show as stricken.
7. On page 4 line 9 after the period insert "No meeting of the board shall be held at any time, except on the call of the chairman of such board.".
8. Add a new section 5, Emergency Clause.

(Signed) Thomas C. Kennedy, Chairman

Public Works

LEGISLATIVE BILL 189. Placed on General File.

LEGISLATIVE BILL 213. Placed on General File as amended.
Standing Committee amendment to LB 213:

1. On page 2, line 17, strike "second" and insert "third", and after "years" insert "of the first suspension".

LEGISLATIVE BILL 240. Placed on General File

(Signed) Maurice A. Kremer, Chairman

UNANIMOUS CONSENT–Print in Journal

Mrs. Marsh asked unanimous consent to have the following amendment to LB 112 printed in the Journal. No objections. So ordered.

1. On page 2, line 16 after "color," insert "sex,".
2. On page 4 line 4 after "color," insert "sex,".
3. On page 5 line 25 after "color," insert "sex,".
4. On page 6 line 18 after "color," insert "sex,".
5. On page 7 line 17 after "color," insert "sex,".

MOTION–Withdraw LB 421

Mr. Kime moved to withdraw LB 421 and cancel the hearing. Laid over.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 12. Mr. Chambers asked unanimous consent to have this bill laid over until February 14. No objections. So ordered.

LEGISLATIVE BILL 101. Bracketed on final reading.

LEGISLATIVE BILL 69. With Emergency.

A BILL FOR AN ACT to amend sections 14-1803, 14-1805, 14-1812, and 14-1813, Revised Statutes Supplement, 1972, relating to metropolitan transit authorities; to provide for appointment of members of a board of a transit authority for cities of the metropolitan class as prescribed; to fix terms of members; to fix duties of the authority; to repeal the original sections; and to declare an emergency.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
Clark
DeCamp
Dickinson
Duis
Fowler
Goodrich
Hasebroock
Kelly
Kennedy
Keyes
Kremer
F. Lewis
R. Lewis
Luedtke
Maresh
Marvel
Moylan
Proud
Richendifer
Savage
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 2:

Murphy
Nore

Not voting, 8:

Epke
Fellman
Johnson
Kime
Mahoney
Marsh
Rasmussen
Schmit

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed wtih the emergency clause and the title agreed to.

LEGISLATIVE BILL 88.

A BILL FOR AN ACT to repeal sections 39-803 and 46-264, Reissue Revised Statutes of Nebraska, 1943, relating to bridges.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
Clark
Dickinson
Duis
Fowler
Goodrich
Hasebroock
Kelly
Kennedy
Keyes
Kime
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Moylan
Murphy
Nore
Proud
Rasmussen
Richendifer
Savage
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 7:

DeCamp
Epke
Fellman
Johnson
Marsh
Marvel
Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 122. With Emergency.

A BILL FOR AN ACT to establish the Revenue Sharing Trust Fund as prescribed; and to declare an emergency.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Anderson
Burbach
C. Carsten
F. Carstens
Cavanaugh
Chambers
Clark
DeCamp
Dickinson
Duis
Fowler
Goodrich
Hasebroock
Kelly
Kennedy
Keyes
Kime
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marvel
Moylan
Murphy
Nore
Rasmussen
Richendifer
Savage
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 8:

Barnett
Carpenter
Epke
Fellman
Johnson
Marsh
Proud
Schmit

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 144.

A BILL FOR AN ACT to amend sections 39-7,136 and 39-7,137, Revised Statutes Supplement, 1972, relating to the Grade Crossing Protection Fund; to restate the purpose and change expenditures of the fund; and to repeal the original sections.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?. "

Voting in the affirmative, 41:

Anderson
Barnett
Burbach
C. Carsten
F. Carstens
Chambers
Clark
Dickinson
Duis
Fellman
Fowler
Goodrich
Hasebroock
Kelly
Kennedy
Keyes
Kime
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marvel
Moylan
Murphy
Nore
Rasmussen
Richendifer
Savage
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 8:

Carpenter
Cavanaugh
DeCamp
Epke
Johnson
Marsh
Proud
Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

ANNOUNCEMENT

Speaker Proud announced that Mr. Thome Johnson is in the Methodist Hospital in Omaha.

MOTION—Rule Changes

Mr. Duis moved the adoption of the rule changes as referred to in the Journal on page 369 for the Twenty-fifth Day.

Rule Change to Rule 5, Sec. 5, susbsection (a) only, as shown in the Journal on page 165 for the Tenth Day, January 18, 1973, was adopted with 32 ayes, 10 nays and 7 not voting.

Rule Change to Rule 5, Sec. 6 (g), as erroneously referred to as Rule 7 in the Journal on pages 315 through 316 for the Twenty-first Day, February 2, 1973, was adopted with 33 ayes, 0 nays and 16 not voting.

Mr. Duis moved to reject the proposed amendment to Rule 5, Sec. 5 (b), as shown in the Journal on page 165 for the Tenth Day, January 18, 1973. The motion prevailed.

Mr. Duis moved to reject the proposed amendment to Rule 5 (d), as shown in the Journal on page 218 for the Fourteenth Day, January 24, 1973. The motion prevailed.

MR. WHITNEY PRESIDING

MOTION–Reconsider Action

Speaker Proud moved to reconsider action on Final Reading on LB 9. Motion pending.

STANDING COMMITTEE REPORT
Nebraska Retirement Systems

LEGISLATIVE BILL 214. Placed on General File as amended.
Standing Committee amendment to LB 214:

1. On page 2, insert "The retirement board shall have prepared for the Legislature an annual report of the actuarial condition of the retirement system." at the end of line 8.

(Signed) Ramey C. Whitney, Chairman

GENERAL FILE

LEGISLATIVE BILL 243. Title read. Considered.

PRESIDENT MARSH PRESIDING

Failed to advance to E & R for Review with 21 ayes, 7 nays and 21 not voting.

LEGISLATIVE BILL 252. Title read. Considered.

Mr. Dickinson offered the following amendment:
Strike "50" and insert "40 acres of undeveloped land".

Mr. Whitney offered the following amendment to the Dickinson amendment:
Delete reference to undeveloped land.

The Whitney amendment was adopted.

Mr. Carpenter offered the following amendment to the Dickinson amendment:
Strike all of line 4 of the bill and insert the word "land".

The Carpenter amendment was adopted with 15 ayes, 14 nays and 20 not voting.

The Dickinson amendment as amended is pending.

Laid over until Wednesday, February 14, at the request of Mr. Carpenter.

UNANIMOUS CONSENT—Member Excused

Mr. Barnett asked unanimous consent to be excused Thursday and Friday of this week. No objections. So ordered.

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 205. Indefinitely postponed.

LEGISLATIVE BILL 116. Placed on General File as amended.
Standing Committee amendments to LB 116:

1. On page 2 strike section 1 and insert a new section 1 to read as follows:

"Section 1. It is hereby declared to be the policy of this state that the constitutional rights of deaf persons, who because of hearing or speaking impairments, and other persons, who are unable to communicate the English language, cannot be fully protected unless interpreters are available to assist such persons in legal proceedings. It is the intent of this act to provide a procedure for the appointment of such interpreters to avoid injustice and to assist such persons in their own defense.".

2. On page 2, line 15 strike the line beginning after "(2)", strike lines 16 and 17, and insert "proceeding shall mean any legal proceeding or any hearing preliminary thereto involving deaf persons or other persons who cannot communicate the English language.".

3. On page 2 strike line 20 and insert "for preparation and trial of their case.".

LEGISLATIVE BILL 126. Placed on General File as amended.
Standing Committee amendments to LB 126:

1. On page 2, line 20 strike "two years" and insert "one year".

2. On page 3, line 25 strike "two years" and insert "one year".

LEGISLATIVE BILL 159. Placed on General File as amended.
Standing Committee amendments to LB 159:

1. On page 3, lines 26 and 27 strike the sentence beginning on line 26 and show as stricken matter.

2. On page 4, line 1 strike the old matter and new matter and show the old matter as stricken; strike the new matter in lines 2 to 6 and insert the following: For the purpose of determining county financial

participation, the county of responsibility and legal settlement shall be determined in accordance with section 68-115.

LEGISLATIVE BILL 184. Placed on General File as amended. Standing Committee amendments to LB 184:

1. On page 2, line 15 insert "for the preceding calendar year" and "payroll".
2. On page 7, line 8 strike "servant" and insert "household worker".
3. On page 9, lines 14 and 15, strike "July 1, 1973" and insert "January 1, 1974".
4. Strike section 8.

LEGISLATIVE BILL 241. Placed on General File as amended. Standing Committee amendments to LB 241:

1. Strike section 1 and insert two new sections to read as follows:

"Section 1. That section 23-1506, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-1506. The register of deeds shall have the custody of and safely keep and preserve all books, records, maps, and papers kept or deposited in his office. He shall also record, or cause to be recorded, in suitable books, all deeds, mortgages, instruments, and writings ~~authorized by law to be recorded in his office~~ presented to him for recording, and left with him for that purpose; Provided, that plats and subdivisions are not authorized to be recorded if contrary to section 15-901, 16-112, 16-114, 16-902 to 16-904, 23-174.03 or 23-374. When such deeds, mortgages, instruments, and writings are so recorded, it shall be his duty to proofread, or cause to be proofread, such records; Provided, ~~however,~~ if an error should occur in recording any of the writings mentioned in this section, thereby necessitating the rerecording of same, the expense thus incurred shall be paid out of the general fund of the county, in the same way as any other claim, and the amount so paid shall be collected from the official responsible for the error or from his bondsmen. the register of deeds shall prepare and file the required annual inventory statement of county personal property in his custody or possession, as provided in sections 23-346 to 23-350.

Sec. 2. For the purposes of sections 16-112 to 16-114.02 and sections 16-901 to 16-904, in the area where the city has a comprehensive plan and has adopted subdivision regulations pursuant thereto, subdivision shall mean the division of lot, tract, or parcel of land into two or more lots, sites, or other divisions of land for the purpose, whether immediate or future, of ownership or building development, except that the division of land shall not be considered to be subdivision when the smallest parcel created is more than five acres in area.".

2. Renumber section 2 as section 3.
3. In renumbered section 3, line 1 strike "23-1507" and insert "23-1506".

(Signed) Roland A. Luedtke, Chairman

Public Health and Welfare

LEGISLATIVE BILL 239. Placed on General File as amended.
Standing Committee amendment to LB 239:

1. On page 3 line 6 by inserting after the word "statute", the following: ";Provided, that where a fire district provides ambulance service the county shall pay the cost for the county ambulance service by levying a tax on that property not in a fire district providing ambulance service".

(Signed) Thomas C. Kennedy, Chairman

Education

LEGISLATIVE BILL 43. Placed on General File as amended.
Standing Committee amendment to LB 43:

1. On page 2 strike the new matter in lines 6 to 15 and insert "When the pupil has, as a ward of the state or as a ward of any court, been placed in a public school district, the cost of his education shall be paid by the state under rules and regulations prescribed by the State Board of Education.".

(Signed) Jerome Warner, Chairman

NOTICE OF COMMITTEE HEARINGS

Banking, Commerce and Insurance

LB 305	Canceled Tuesday, February 20, 1973	2:00 p.m.
LB 305	Tuesday, February 27, 1973	2:00 p.m.
LB 396	Tuesday, February 27, 1973	2:00 p.m.
LB 441	Tuesday, February 27, 1973	2:00 p.m.
LB 455	Tuesday, February 27, 1973	2:00 p.m.

(Signed) Fred W. Carstens, Chairman

Appropriations

Monday, February 19, 1973

LB 259
1:30 Executive Session

Tuesday, February 20, 1973

LB 259
1:30 Pay Plan Briefing

Wednesday, February 21, 1973

LB 259
1:30 State Patrol

2:30 Department of Roads
4:00 Fire Marshal

Thursday, February 22, 1973

LB 259
1:30 State Colleges
3:00 Vocational Technical Colleges

Monday, February 26, 1973

LB 259
1:30 Department of Public Institutions
2:30 Department of Administrative Services
3:30 Department of Public Welfare

Tuesday, February 27, 1973

LB 259
1:30 University of Nebraska

(Signed) Robert L. Clark, Vice-Chairman

VISITORS

Speaker Proud introduced 20 High School students and their teacher, Mr. Earl Nannen, from Bruning High School, Bruning, Nebraska.

President Marsh introduced 40 Kindergarten students and their teachers, Mesdames Breed and James, from Huntington School, Lincoln, Nebraska and Mrs. Hitz, parent.

ADJOURNMENT

At 12:06 p.m., on a motion by Mr. Stull, the Legislature adjourned until 9:00 a.m., Tuesday, February 13, 1973.

Vincent D. Brown
Clerk of the Legislature

TWENTY-EIGHTH DAY—FEBRUARY 13, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

TWENTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 13, 1973

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Marsh presiding.

PRAYER

Prayer was offered by Rabbi Myer S. Kripke, Beth El Synagogue, Omaha, Nebraska.

> Our God and Father, our yearnings for a better future for thy children everywhere are brightened this day, as weapons are cast aside and prisoners of war strike off the bonds of the captured. Our hearts rise in thanksgiving.
>
> Help us now to strike off the shackles of mistrust and meanness of spirit that impoverish the human mind, blur the human vision, and corrode the supports of all human striving.
>
> Help us to turn the boldness of our restless American spirit and the fertility of our imagination "to bind up the nation's wounds", to bring justice and order to our country, and thus bring hope and resolution to our people.
>
> Our problems and failures are many and vexing; help us to evoke from the depths of our being the energy and the will to banish failure and achieve solution to our problems.
>
> Here in this heart of America and here in this House of the People of Nebraska, let all seek in their common brotherhood the good of the people; let us make the establishment of law the instrument of justice and truth, and the institution of sovereignty the guarantor of the rights of all citizens to life and learning, to security and advancement, to opportunity and to the invigorating and unhindered breath of freedom. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Johnson who was excused.

CORRECTIONS FOR THE JOURNAL

Page 399, line 17, underscore the words "color," and "sex,".
Page 397, line 7, delete "1208" and insert "255".
The Journal for the Twenty-seventh Day was approved as corrected.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 188. Replaced on Select File as amended.
E & R amendments to LB 188:

1. In new section 3, line 1, strike "Section" and insert "Sec."; and in lines 9 and 10 strike "said" and insert "such".

2. Add a new section to read:

"Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

3. In the title, line 6, strike "and" and insert "to provide for sales as prescribed;"; and in line 8 insert "; and to declare an emergency" after "1943".

LEGISLATIVE BILL 234. Placed on Select File as amended.
E & R amendments to LB 234:

1. In lieu of standing committee amendment 1, on page 5, line 25, insert "(a)" before "Insuring".

2. In standing committee amendment 2, insert an underscored comma after "guaranteeing" in line 2, "execution" in line 4, "participation" in line 5, and "warranting" in line 6.

3. In standing committee amendment 4, insert an underscored comma at the end of lines 2 and 4 and before "or" both places in line 6, and in line 8, strike the first "or" and insert "of".

4. In standing committee amendment 5, line 1, strike "line 5" and insert "line 21"; in line 2, strike "line 6" and insert "line 22"; in line 3, strike the comma; and in line 5, strike "insured" and insert "insure".

LEGISLATIVE BILL 24. Placed on Select File.

LEGISLATIVE BILL 107. Placed on Select File as amended.
E & R amendments to LB 107:

1. Add a new section to read:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. In the title, strike beginning with "wheat" in line 3, through line 8 and insert "natural resources districts; to eliminate the requirement that audits be performed by certified public accountants; to repeal the original section; and to declare an emergency.".

LEGISLATIVE BILL 108. Placed on Select File as amended.
E & R amendments to LB 108:

1. Add a new section to read:
"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".
2. For correlation purposes, on page 2, lines 2 and 19, and in the title, line 3, insert ", as amended by section 1, Legislative Bill 49, Eighty-third Legislature, First Session, 1972" after "1972"; and on page 2, line 6, insert "library," after the second comma.
3. In the title, line 6, strike "and"; and in line 7 insert "; and to declare an emergency" after "section".

LEGISLATIVE BILL 133. Placed on Select File as amended.
E & R amendment to LB 133:

1. In the title, strike line 4 and insert "livestock auction markets.".

LEGISLATIVE BILL 201. Placed on Select File.

LEGISLATIVE BILL 245. Placed on Select File as amended.
E & R amendments to LB 245:

1. In standing committee amendment 1, line 4, strike "and" and insert "to".
2. In the title, lines 9 and 10, strike "for the district".

LEGISLATIVE BILL 191. Placed on Select File.

LEGISLATIVE BILL 192. Placed on Select File.

LEGISLATIVE BILL 181. Placed on Select File as amended.
E & R amendments to LB 181:

1. On page 2, lines 5 and 6, 16 and 17, and 27, and page 3, lines 8 and 24, strike ", Revised Statutes Supplement, 1972,".
2. On page 3, line 26, and on page 4, lines 20 and 21, strike ", Revised Statutes Supplement, 1972".
3. On page 4, strike line 19, and insert "to 44-137" and in line 20, strike "amended,".

4. On page 3, line 4, strike the first "the"; and in line 15, strike "this chapter" and insert "Chapter 44".

5. On page 4, line 7, insert an underscored comma after "realized"; and strike the comma in line 8.

6. On page 5, strike the commas in lines 6 and 7; and in line 7, insert an underscored comma after "may" and at the end of the line.

LEGISLATIVE BILL 32. Placed on Select File as amended.
E & R amendments to LB 32:

1. In lieu of the Goodrich amendment, on page 2, line 17, insert "with the approval of the local governing body" after "property".

2. On page 2, line 25, strike the comma and show the same as stricken.

3. On page 3, strike the new and reinstate the stricken matter in line 25.

4. In new section 4, strike the comma in line 1; and in line 3, strike ", and further" and insert "and".

5. In standing committee amendment 2, line 1, strike "and" and insert "as".

LEGISLATIVE BILL 115. Placed on Select File.

LEGISLATIVE BILL 100. Placed on Select File.

Correctly Enrolled

The following bills were correctly enrolled: 69, 88, 122, and 144.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bills: 69, 88, 122, and 144.

STANDING COMMITTEE REPORT
Miscellaneous Subjects

LEGISLATIVE BILL 231. Placed on General File as amended.
Standing Committee amendments to LB 231:

1. Amend page 4 by adding a new section 2 to read as follows:

"Sec. 2. That section 81-561, Revised Statutes Supplement, 1969, be amended to read as follows:

81-561. (1) Nothing in sections 81-553 to 81-570 shall be construed to require employees of municipal corporations, public power districts, public power and irrigation districts, electric membership or cooperative associations, public utility corporations, petroleum companies, petrochemical companies, pipe line companies, telephone or telegraph systems or employees of affiliated companies performing manufacturing, installation and repair work for such corporations, street railway systems or railroad corporations to hold licesnse while acting within the scope of their employment.

(2) Nothing in sections 81-553 to 81-570 shall be construed to require any master electrician or journeyman electrician to hold a state license if he is the holder of a valid license issued by any city or other political subdivision, so long as he makes electrical installations in the jurisdictional limits of such city or political subdivision in which he is the holder of a valid license.

(3) Nothing in sections 81-553 to 81-570 shall be construed to cover the installation, maintenance, repair, or alteration of farmsteads, vertical transportation or passenger conveyors, elevators, moving walks, dumbwaiters, stagelifts, manlifts or appurtenances thereto beyond the terminals of the controllers. The licensing of elevator contractors or constructors shall not be considered a part of the licensing requirements of sections 81-553 to 81-570.

(4) Any person who plugs in any electrical appliance where approved electrical outlets are already installed shall not be considered as an installer.

(5) Nothing in sections 81-553 to 81-570 shall be construed to require an employee working for a single employer as part of such employer's full-time staff and not holding himself out to the public for hire to hold a license while acting within the scope of his employment.".

2. On page 3 line 14 after "electrician" insert ", or journeyman electrician".

3. Strike original "Section 2" and insert the following:

"Sec. 3. That original sections 81-556 and 81-561, Revised Statutes Supplement, 1972, are repealed.".

(Signed) J. James Waldron, Chairman

ANNOUNCEMENT

Speaker Proud announced that the Nebraska Stock Growers Dinner scheduled for this evening in the Nebraska Club has been canceled.

UNANIMOUS CONSENT—Bracket LB 104

Mr. Syas asked unanimous consent to bracket LB 104 for two weeks, until February 27, on General File. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 90.

A BILL FOR AN ACT to amend section 60-407, Revised Statutes Supplement, 1972, relating to motor vehicle operators' licenses; to change provisions for operating with a learner's permit; to change age requirements; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Anderson	Barnett	Burbach	C. Carsten	F. Carstens
Cavanaugh	Chambers	Clark	DeCamp	Dickinson
Epke	Fellman	Fowler	Hasebroock	Kelly
Kennedy	Keyes	Kremer	F. Lewis	R. Lewis
Luedtke	Mahoney	Marsh	Moylan	Murphy
Nore	Proud	Rasmussen	Richendifer	Savage
Schmit	Simpson	Skarda	Snyder	Stahmer
Stromer	Stull	Syas	Waldron	Warner
Whitney	Wiltse			

Voting in the negative, 0.

Not voting, 7:

Carpenter	Duis	Goodrich	Johnson	Kime
Maresh	Marvel			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 132. Mr. Burbach moved to return LB 132 to Select File for the following specific amendments:

1. Strike E & R amendment 2.
2. On page 3 line 14 after "fee" insert "on motor vehicle taxes for fiscal years 1973 to 1979".
3. Strike E & R amendment to page 5 lines 16 and 17.
4. In E & R amendment 3 line 11 insert ",77-1241.09," after "77-629".
5. Strike E & R amendment page 6 line 6.
6. Strike E & R amendment to the title line 2.

The motion prevailed with 40 ayes, 0 nays and 9 not voting.

LEGISLATIVE BILL 150.

A BILL FOR AN ACT to amend section 48-175.01, Reissue Revised Statutes of Nebraska, 1943, and section 48-115, Revised Statutes Supplement, 1972, relating to workmen's compensation; to provide for entitlement to benefits as prescribed; to define a term; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	Clark	Dickinson
Duis	Epke	Fellman	Fowler	Goodrich
Hasebroock	Kelly	Kennedy	Keyes	Kime
Kremer	F. Lewis	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Moylan	Murphy
Nore	Proud	Rasmussen	Richendifer	Savage
Schmit	Simpson	Skarda	Snyder	Stahmer
Stromer	Stull	Syas	Waldron	Warner
Whitney	Wiltse			

Voting in the negative, 0.

Not voting, 2:

DeCamp Johnson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 200. With emergency.

A BILL FOR AN ACT to establish a Fort Robinson Centennial Commission; to provide for the appointment, qualification and expenses of the members of the commission; to provide powers and duties of the commission; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
Clark
DeCamp
Dickinson
Duis
Epke
Fellman
Fowler
Goodrich
Hasebroock
Kelly
Kennedy
Keyes
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Nore
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 2:

Johnson
Kime

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 200A. With emergency.

A BILL FOR AN ACT to appropriate fifteen thousand dollars from the state General Fund for the period ending June 30, 1974 to the Fort Robinson Centennial Commission, Agency No. 82, Program 329, to aid in carrying out the provisions of Legislative Bill 200, Eighty-third Legislature, First Session, 1973; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
Clark
DeCamp
Dickinson
Duis
Fellman
Fowler
Goodrich
Hasebroock
Kelly
Kennedy
Keyes
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Nore
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 4:

Epke
Johnson
Kime
Skarda

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

UNANIMOUS CONSENT—LB 12 on Final Reading

Mr. Chambers asked unanimous consent to consider LB 12 on Final Reading at this time. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 12. With emergency.

A BILL FOR AN ACT relating to cities of the metropolitan class; to state legislative findings; to provide for the election of city councilmen by districts as prescribed; to change the time of elections; to provide duties and procedure; to amend sections 14-201, 14-204, 14-205, 14-206, 14-207, 14-209, and 14-216, Reissue Revised Statutes of Nebraska, 1943; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 29:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
DeCamp
Dickinson
Duis
Fellman
Fowler
Kremer
F. Lewis

R. Lewis Luedtke Mahoney Maresh Marsh
Marvel Nore Rasmussen Richendifer Schmit
Simpson Skarda Stahmer Waldron

Voting in the negative, 17:

Clark Goodrich Hasebroock Kennedy Keyes
Kime Moylan Murphy Proud Savage
Snyder Stromer Stull Syas Warner
Whitney Wiltse

Not voting, 3:

Epke Johnson Kelly

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed with the emergency clause attached, the question is, 'Shall the bill pass with the emergency clause stricken?' "

Voting in the affirmative, 29:

Anderson Barnett Burbach Carpenter C. Carsten
F. Carstens Cavanaugh Chambers DeCamp Dickinson
Duis Fellman Fowler Kremer F. Lewis
R. Lewis Luedtke Mahoney Maresh Marsh
Marvel Nore Rasmussen Richendifer Schmit
Simpson Skarda Stahmer Waldron

Voting in the negative, 17:

Clark Goodrich Hasebroock Kennedy Keyes
Kime Moylan Murphy Proud Savage
Snyder Stromer Stull Syas Warner
Whitney Wiltse

Not voting, 3:

Epke Johnson Kelly

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken and the title agreed to.

SELECT FILE

LEGISLATIVE BILL 132. The Burbach specific amendments found in today's Journal were adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Re-engrossment.

LEGISLATIVE BILL 102. E & R amendments found in the Journal on page 396 for the Twenty-seventy Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 291. E & R amendment found in the Journal on page 396 for the Twenty-seventh Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 247. E & R amendment found in the Journal on page 396 for the Twenty-seventh Day was adopted.

Mr. Goodrich offered the following amendment which was adopted by unanimous consent:

1. In lieu of the Goodrich amendment adopted 2/8/73, on page 2, strike the new matter in lines 10 to 12; and at the end of line 12, insert "This section shall have no application to certificates of deposit.".

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 57. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 58. E & R amendments found in the Journal on page 396 for the Twenty-seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 59. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 249. E & R amendments found in the Journal on page 396 for the Twenty-seventh Day were adopted.

Mr. C. Carsten offered the following amendment which was adopted by unanimous consent:

1. On page 2, line 8, insert "active" after "its".

Advanced to E & R for Engrossment.

MOTIONS—Rule Changes

Mr. Luedtke moved to amend Luedtke proposed rule change to Rule 4, found in the Journal on page 302, new Sec. 7, add:

All resolutions which are engrossed shall be enrolled and signed by the Lt. Governor or Speaker and certified to by the Clerk as to the date of final passage. (Const. Art III, Sec. 14).

Referred to the Rules Committee.

Mr. Duis moved to amend Rule 5, Sec. 1 to read as follows:

Drafting of Bills. The bill drafter shall prepare all bills and amendments in proper form when requested by members of the Legislature, newly elected members of the Legislature, or heads of executive departments. No bills or major amendments shall be introduced or considered unless the same has been approved as to form and draftsmanship by the bill drafter. The bill drafter shall make available a continuing compilation of sections to which amendments are proposed so as to reduce unnecessary duplication of bills. This section index of bills drafted shall be available to all senators, newly elected senators and other persons entitled to have bills drafted. After January 1 of each year ~~for which there is a regular session~~ no bill shall be drafted by the bill drafter unless requested or authorized by a member of the Legislature.

Referred to the Rules Committee.

NOTICE OF COMMITTEE HEARING

Committee on Committees

February 13, 1973

The Committee on Committees will meet at 12:30 p.m., Thursday, March 1, 1973, for the purpose of hearing the following appointment made by Governor J. James Exon:

Dr. Jack Anderson – Director, Department of Public Institutions

(Signed) Ramey C. Whitney, Chairman

MOTION—Withdraw LB 421

Mr. Kime renewed his pending motion found in the Journal on page 403 for the Twenty-seventh Day to withdraw LB 421 and cancel the hearing. The motion prevailed with 26 ayes, 0 nays and 23 not voting.

GENERAL FILE

LEGISLATIVE BILL 112. Laid over at the request of Mrs. Marsh.

LEGISLATIVE BILL 243. Bracketed until February 23 at the request of Mr. Warner.

LEGISLATIVE BILL 13. Title read. Considered.

Advanced to E & R for Review with 31 ayes, 0 nays and 18 not voting.

LEGISLATIVE BILL 101A. Title read. Considered.

Mr. Schmit offered the following amendments which were adopted:

1. On page 2, line 3, insert "for the period ending June 30, 1974" after "Fund".
2. In the title, line 4, strike "of July 1, 1973 to" and insert "ending".

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 40A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 157. Title read. Considered.

The Luedtke pending amendments found in the Journal on page 392 for the Twenty-sixth Day were adopted.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 169. Title read. Considered.

Mr. Richendifer moved for a Call of the House on advancing the bill. The motion prevailed with 21 ayes, 0 nays and 28 not voting.

The Call showed 40 members present.

Mr. Barnett moved the Call be raised. The motion prevailed with 38 ayes, 0 nays and 11 not voting.

Advanced to E & R for Review with 35 ayes, 0 nays and 14 not voting.

UNANIMOUS CONSENT—Member Excused

Mr. Kremer asked unanimous consent to be excused at 11:00 a.m. for the remainder of the morning. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 227. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 37. Mr. Carpenter asked unanimous consent to have the following amendments printed in the Journal and the bill laid over until tomorrow. No objections. So ordered.

Amendments to LB 37:

1. On page 2 line 8 strike "fifteen" and insert "nine", on lines 12 and 13 strike "one from the city of Lincoln, two from the city of Omaha," and show as stricken matter, on lines 15 to 18 strike the new matter, on lines 19 to 21 strike the old matter and show as stricken matter, on line 24 insert "nine" after "The", on lines 25 to 27 strike "serving on August 27, 1971 shall constitute the initial members of the commission" and show as stricken matter and insert "shall be appointed as provided in subdivision (2) of section 81-1214.".
2. On page 3 lines 4 to 8 strike the new matter, ending with the period on line 8, line 8 insert "the" after "representing", line 9 strike "categories" and insert "commission", strike lines 17 to 21, line 22 strike "(a)" and insert "(3)", and strike lines 26 and 27.
3. On page 4 strike lines 1 to 21.
4. On page 5 strike ", and shall receive reimbursement for any actual expenses incurred as a necessary incidence to such service" and show the old matter as stricken, and line 12 strike "nine" and insert "six", and line 15 after the stricken matter insert "Any members being absent for three consecutive meetings shall cause a vacancy on the commission and a new member shall be appointed to fill the vacancy.".

LEGISLATIVE BILL 77. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 102A. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays and 20 not voting.

SPEAKER PROUD PRESIDING

LEGISLATIVE BILL 165. Title read. Considered.

Standing Committee amendments found in the Journal on page 374 for the Twenty-fifth Day were adopted.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 166. Title read. Considered.

Standing Committee amendments found in the Journal on page 376 for the Twenty-fifth Day were adopted.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 51. Title read. Considered.

Advanced to E & R for Review with 32 ayes, 0 nays and 17 not voting.

LEGISLATIVE BILL 20. Title read. Considered.

Standing Committee amendment found in the Journal on page 392 for the Twenty-sixth Day was adopted.

Advanced to E & R for Review with 29 ayes, 2 nays and 18 not voting.

PRESIDENT MARSH PRESIDING

LEGISLATIVE BILL 30. Title read. Considered.

Advanced to E & R for Review with 31 ayes, 0 nays and 18 not voting.

LEGISLATIVE BILL 185. Title read. Considered.

Standing Committee amendment found in the Journal on page 392 for the Twenty-sixth Day was adopted.

Mr. Goodrich moved to indefinitely postpone LB 185. Motion pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on February 13, 1973 at 11:20 a.m.: LB 69, LB 88, LB 122 and LB 144.

(Signed) Barbara Jackson, Enrolling Clerk

STANDING COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 351. Placed on General File.

(Signed) Fred W. Carstens, Chairman

Revenue

LEGISLATIVE BILL 42. Indefinitely postponed.

LEGISLATIVE BILL 123. Indefinitely postponed.

LEGISLATIVE BILL 283. Indefinitely postponed.

LEGISLATIVE BILL 46. Placed on General File as amended.
Standing Committee amendment to LB 46:

1. On page 4, line 13, after "law." insert:

"The collecting officer shall mail such refunds or receipts for registered claims to the last known address of such taxpayer entited to such refund or registered claim. If any such refund or registered claim remains unclaimed on June 1 of any year, then the collecting officer shall publish in a newspaper of general circulation within the county for three consecutive weeks a list of those refunds or registered claims remaining unclaimed. If such refunds or registered claims are not claimed within ninety days of the final publication notice, then such refunds or registered receipts shall be cancelled and the resultant amount credited to the various funds orginally changed."

and in line 14, after "illegal" insert:
"and final judgement entered after January 1, 1969."

LEGISLATIVE BILL 210. Placed on General File as amended.
Standing Committee amendment to LB 210:

1. On page 2 insert a new section 1 as follows:

"Section 1. That section 77-316, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-316. The county judge of each county, upon the filing of an inventory in the estate of each deceased person probated in the county court of such county, shall forthwith furnish a copy of such inventory to the county assessor of such county~~, and, when the value of the estate exceeds fifty thousand dollars, a copy of such inventory shall also be mailed to the Tax Commissioner.~~ For such purposes, the county judge may require the filing of such inventories in duplicate or triplicate."

and renumber the existing sections accordingly; in line 7 after "death" insert "or within five years after the amount of inheritance tax shall be finally ascertained and assessed by the court having jurisdiction thereof, whichever occurs later"; in line 17 strike "section" and insert "sections 77-316 and"; and in line 18 strike "is" and insert "are".

(Signed) J. W. Burbach, Chairman

Government, Military and Veteran's Affairs

LEGISLATIVE BILL 34. Placed on General File.

LEGISLATIVE BILL 219. Placed on General File.

(Signed) Ernest Chambers, Chairman

NOTICE OF COMMITTEE HEARINGS

Revenue

LB 401	Monday, February 26, 1973	2:00 p.m.

(Signed) J. W. Burbach, Chairman

Urban Affairs

LB 467	Cancel February 21, 1973	2:00 p.m.
LB 467	Reset March 7, 1973	2:00 p.m.

(Signed) Duke Snyder, Chairman

BILLS ON FIRST READING

The following bills were read for the first time by title.

LEGISLATIVE BILL 37A. By Burbach, 19th District.

A BILL FOR AN ACT to appropriate six thousand three hundred dollars from the state General Fund for the period of July 1, 1973 to June 30, 1974 to the Department of Economic Development, Agency No. 72 for Program 584, Nebraska Indian Commission, to aid in carrying out the provisions of Legislative Bill 37, Eighty-third Legislature, First Session, 1973.

LEGISLATIVE BILL 201A. By Kime, 43rd District.

A BILL FOR AN ACT to appropriate fifteen thousand nine hundred forty-three dollars from the state General Fund for the period of July 1, 1973 to June 30, 1974 to the Department of Agriculture, Agency No. 18

for Program 027, Departmental Administration, to aid in carrying out the provisions of Legislative Bill 201, Eighty-third Legislature, First Session, 1973.

VISITORS

President Marsh introduced 17 Eighth Grade students from McCool Junction and their instructors Karen Smith and Dan Jantzen.

ADJOURNMENT

At 11:53 a.m., on a motion by Speaker Proud, the Legislature adjourned until 9:00 a.m., Wednesday, February 14, 1973.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

TWENTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 14, 1973

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Marsh presiding.

PRAYER

Prayer was offered by Rev. E. L. Jeambey, Associate Pastor of the Westminister Presbyterian Church.

> Dear Lord and Father of us all:
>
> We would be ungrateful beings if we did not acknowledge Thee as the source of all good, all supply, and the satisfier of the yearnings of the human heart.
>
> We would dedicate ourselves today to the furtherance of those things that are in the will of God for the good of man.
>
> We would think today in the terms of John Adams, the second president of these United States, who boldly urged the American people to promote knowledge and virtue; to support education and true religion, and to champion purity of manner and integrity of life.
>
> We honor him today, he who stood over his congress and prayed "I pray heaven to bestow the best of blessings on this house and all that shall hereafter inhabit it. May none but honest and wise men ever rule under this roof. May this be our prayer today. Lord God of Hosts be with us yet,
>
> Lest we forget! Lest we forget. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Johnson and Proud who were excused and Mr. Warner who was excused until 9:15 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-eighth Day was approved.

NOTICE OF COMMITTEE HEARINGS

Labor

LB 320	Wednesday, February 21, 1973 (Cancel)	2:00
LB 320	Wednesday, March 7, 1973 (Reset)	2:00

(Signed) Richard Maresh, Chairman

ANNOUNCEMENT

Mr. Luedtke announced an Executive Session of the Judiciary Committee at 1:30 p.m. today in the East Chamber.

SELECT COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 247. Replaced on Select File as amended.
E & R amendment to LB 247:

1. In lieu of E & R 1, adopted 2/13/73, in the title, strike lines 4 to 6 and insert "deposit of public funds; to except certificate of deposit from pro rate provisions; to repeal the original section; and to declare an emergency.".

LEGISLATIVE BILL 249. Replaced on Select File as amended.
E & R amendment to LB 249:

1. In line 2 of E & R 2, adopted 2/13/73, insert "to limit coverage to active firemen;" after the semicolon.

(Signed) John J. Cavanaugh, Chairman

ANNOUNCEMENT

Mr. Hasebroock announced that Mr. Johnson is up and around this morning and doing well.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 19. With Emergency.

A BILL FOR AN ACT relating to taxation; to establish the Ad Valorem Advisory Committee as prescribed; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Clark
DeCamp
Dickinson
Duis
Epke
Fellman
Fowler
Hasebroock
Kelly
Kennedy
Keyes
Kime
Kremer
F. Lewis
R. Lewis
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Nore
Rasmussen
Richendifer
Savage
Schmit
Skarda
Stromer
Stull
Waldron
Whitney
Wiltse

Voting in the negative, 4:

Luedtke
Simpson
Snyder
Syas

Not voting, 6:

Chambers
Goodrich
Johnson
Proud
Stahmer
Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 35.

A BILL FOR AN ACT to amend section 48-661, Revised Statutes Supplement, 1972, relating to employment security; to make it mandatory for state administrative departments, commissions, or boards to file with the commission an election to become an employer as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
DeCamp
Dickinson
Fellman
Fowler
Hasebroock
Kelly
Kennedy
Keyes
Kime
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Rasmussen
Savage
Schmit
Simpson
Skarda
Snyder
Stahmer
Stromer
Syas
Waldron
Whitney
Wiltse

Voting in the negative, 3:

Nore Richendifer Stull

Not voting, 8:

Chambers Clark Duis Epke Goodrich
Johnson Proud Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 95.

A BILL FOR AN ACT to amend section 23-925, Revised Statutes Supplement, 1972, relating to county government; to provide for hearings on any budget of a governmental subdivision the levying board of which represents more than one county; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Carpenter C. Carsten F. Carstens Cavanaugh Chambers
Clark DeCamp Dickinson Duis Epke
Fellman Goodrich Hasebroock Kelly Kennedy
Keyes Kremer F. Lewis R. Lewis Luedtke
Mahoney Maresh Marsh Marvel Moylan
Murphy Nore Rasmussen Savage Simpson
Skarda Waldron Whitney Wiltse

Voting in the negative, 10:

Anderson Barnett Burbach Richendifer Schmit
Snyder Stromer Stull Syas Warner

Not voting, 5:

Fowler Johnson Kime Proud Stahmer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 117.

A BILL FOR AN ACT to amend section 81-8,275, Revised Statutes Supplement, 1972, relating to administrative departments; to establish a cash fund for the Nebraska American Revolution Bicentennial Commission; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
Clark
DeCamp
Dickinson
Duis
Epke
Fellman
Fowler
Goodrich
Hasebroock
Kelly
Kennedy
Keyes
Kime
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Nore
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 2:

Johnson
Proud

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 118.

A BILL FOR AN ACT relating to the State Athletic Commissioner; to create a cash fund; to prescribe its name and purpose; and to provide for deposits.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
Clark
DeCamp
Dickinson
Duis
Epke
Fellman
Fowler
Goodrich
Hasebroock
Kelly
Kennedy
Keyes
Kremer
F. Lewis
R. Lewis
Luedtke
Maresh
Marsh
Marvel
Moylan
Murphy
Nore
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting 4:

Johnson Kime Mahoney Proud

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 119. With Emergency.

A BILL FOR AN ACT relating to oil and gas conservation; to create a trust fund; to prescribe its name; to provide for disbrusements; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Anderson Barnett Burbach Carpenter C. Carsten
F. Carstens Cavanaugh Chambers Clark DeCamp
Dickinson Duis Epke Fellman Fowler
Goodrich Hasebroock Kelly Kennedy Keyes
Kime Kremer F. Lewis R. Lewis Luedtke
Mahoney Maresh Marsh Marvel Moylan
Murphy Rasmussen Richendifer Savage Schmit
Simpson Skarda Snyder Stahmer Stromer
Stull Syas Waldron Whitney Wiltse

Voting in the negative, 0.

Not voting, 4:

Johnson Nore Proud Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 120.

A BILL FOR AN ACT to amend section 81-528, Reissue Revised Statutes of Nebraska, 1943, relating to the State Fire Marshal; to provide that sums received from inspection contracts be paid to the State Fire Marshal Fund; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	Clark	DeCamp
Dickinson	Duis	Epke	Fellman	Fowler
Goodrich	Hasebroock	Kelly	Kennedy	Keyes
Kime	Kremer	F. Lewis	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Moylan
Murphy	Nore	Rasmussen	Richendifer	Savage
Schmit	Simpson	Skarda	Snyder	Stahmer
Stromer	Stull	Syas	Waldron	Warner
Whitney	Wiltse			

Voting in the negative, 0.

Not voting, 2:

Johnson	Proud

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 124.

A BILL FOR AN ACT to amend section 28-4,133.01, Revised Statutes Supplement, 1972, relating to crimes and punishments; to change the name of the Drug Control Cash Fund to Nebraska State Patrol Drug Control Cash Fund; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Anderson	Barnett	Burbach	C. Carsten	F. Carstens
Cavanaugh	Chambers	Clark	DeCamp	Dickinson
Duis	Epke	Fellman	Fowler	Goodrich
Hasebroock	Kelly	Kennedy	Keyes	Kime
Kremer	F. Lewis	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Moylan	Murphy
Nore	Rasmussen	Richendifer	Savage	Schmit

Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 3:

Carpenter
Johnson
Proud

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 137.

A BILL FOR AN ACT to amend sections 39-2115, 39-2119, and 39-2121, Revised Statutes Supplement, 1972, relating to counties and municipalities; to provide for placing funds due the county or municipality in escrow for failure to comply with requirements; to provide for the funds being paid the county or municipality as prescribed; to provide for loss of the funds to the county or municipality as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
Clark
DeCamp
Dickinson
Duis
Epke
Fellman
Fowler
Goodrich
Hasebroock
Kelly
Kennedy
Keyes
Kime
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Nore
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 2:

Johnson
Proud

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION—Suspend Rules

Mr. Carpenter moved to suspend the rules and take up final reading bills set for tomorrow with the exception of LB 14. The motion prevailed with 41 ayes, 0 nays and 8 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 38.

A BILL FOR AN ACT to amend section 23-131, Revised Statutes Supplement, 1972, relating to counties; to provide for delivery of warrants after record entries; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Clark
DeCamp
Dickinson
Duis
Epke
Fellman
Fowler
Goodrich
Hasebroock
Kelly
Kennedy
Keyes
Kime
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Nore
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 4:

Chambers
Johnson
Kremer
Proud

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 70. Bracketed until February 21 at the request of Mr. Carpenter.

LEGISLATIVE BILL 84.

A BILL FOR AN ACT relating to the publication of the Legislative Journal; to provide for the manner in which the journal is bound.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	Clark	DeCamp
Dickinson	Duis	Epke	Fowler	Goodrich
Hasebroock	Kelly	Kennedy	Keyes	Kime
Kremer	F. Lewis	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Moylan	Murphy
Nore	Rasmussen	Richendifer	Savage	Schmit
Simpson	Skarda	Snyder	Stahmer	Stromer
Stull	Waldron	Warner	Whitney	Wiltse

Voting in the negative, 0.

Not voting, 4:

Fellman	Johnson	Proud	Syas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 152. With Emergency.

A BILL FOR AN ACT to amend sections 39-722.01 and 60-328, Revised Statutes Supplement, 1972, relating to special truck permits; to provide a new basis for overweight permits; to provide restrictions; to provide fees; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Anderson	Burbach	Carpenter	C. Carsten	F. Carstens
Cavanaugh	Chambers	Clark	DeCamp	Dickinson
Duis	Epke	Fellman	Goodrich	Hasebroock
Kelly	Kennedy	Keyes	Kime	Kremer
F. Lewis	R. Lewis	Luedtke	Maresh	Marsh
Marvel	Moylan	Murphy	Nore	Rasmussen
Richendifer	Savage	Schmit	Simpson	Skarda
Snyder	Stahmer	Stromer	Stull	Waldron
Warner	Whitney	Wiltse		

Voting in the negative, 0.

Not voting, 6:

Barnett Fowler Johnson Mahoney Proud
Syas

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 198. With Emergency.

A BILL FOR AN ACT to amend section 32-216, Revised Statutes Supplement, 1972, relating to elections; to eliminate certain requirements which cause a voter to reregister; to provide for striking the names of deceased registered voters; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Anderson Barnett Burbach Carpenter C. Carsten
F. Carstens Cavanaugh Chambers Clark DeCamp
Dickinson Duis Fellman Fowler Goodrich
Hasebroock Kelly Kennedy Keyes Kime
F. Lewis R. Lewis Luedtke Mahoney Maresh
Marsh Marvel Moylan Murphy Nore
Rasmussen Richendifer Savage Schmit Simpson
Skarda Snyder Stahmer Stull Syas
Waldron Warner Whitney Wiltse

Voting in the negative, 1:

Stromer

Not voting, 4:

Epke Johnson Kremer Proud

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SELECT COMMITTEE REPORT

Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 132.

Correctly Engrossed

The following bills were correctly engrossed: 57, 58, 59, 102 and 291.

Correctly Enrolled

The following bills were correctly enrolled: 12, 90, 150, 200 and 200A.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of tranacting business, the President signed the following bills: 12, 90, 150, 200 and 200A.

MOTION–Place LB 96 on General File

Mr. Simpson moved to place LB 96 on General File notwithstanding the committee action. Motion pending.

SELECT FILE

LEGISLATIVE BILL 188. E & R amendments found in the Journal on page 409 for the Twenty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 234. E & R amendments found in the Journal on page 409 for the Twenty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 24. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 107. E & R amendments found in the Journal on page 409 for the Twenty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 108. E & R amendments found in the Journal on page 410 for the Twenty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 133. E & R amendment found in the Journal on page 410 for the Twenty-eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 201. Mr. Epke offered the following amendments which were adopted by unanimous consent:

1. Add new section 4. Emergency Clause.
2. In the title, line 9 strike "and" and line 10 strike the period and insert "; and to declare an emergency.".

Mr. Carpenter asked unanimous consent to hold the bill until February 21. Mr. Kime objected.

Mr. Carpenter moved to hold the bill until February 21. The motion prevailed with 25 ayes, 7 nays and 17 not voting.

LEGISLATIVE BILL 245. E & R amendments found in the Journal on page 410 for the Twenty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 191. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 192. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 181. E & R amendments found in the Journal on page 410 for the Twenty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 32. E & R amendments found in the Journal on page 411 for the Twenty-Eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 115. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 100. Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Members excused

Mr. Hasebroock asked unanimous consent to be excused at 10:30 a.m. for the remainder of the day. No objections. So ordered.

Mr. Schmit asked unanimous consent to be excused at 11:00 a.m. today and all of tomorrow. No objections. So ordered.

Mr. Kremer asked unanimous consent to be excused at 11:00 a.m. for the remainder of the morning. No objections. So ordered.

NOTICE OF COMMITTEE HEARING
Government, Military & Veteran's Affairs

LB 7	Thursday, March 1, 1973	2:00 p.m.
LB 469	Thursday, March 1, 1973	2:00 p.m.
LB 471	Thursday, March 1, 1973	2:00 p.m.
LB 473	Thursday, March 1, 1973	2:00 p.m.
LB 338	Thursday, March 1, 1973	2:00 p.m.
LB 187	Thursday, March 8, 1973	2:00 p.m.
LB 322	Thursday, March 8, 1973	2:00 p.m.
LB 476	Thursday, March 8, 1973	2:00 p.m.
LB 340	Thursday, March 8, 1973	2:00 p.m.
LR 8	Thursday, March 8, 1973	2:00 p.m.
LB 341	Thursday, March 15, 1973	2:00 p.m.
LB 377	Thursday, March 15, 1973	2:00 p.m.
LB 393	Thursday, March 15, 1973	2:00 p.m.
LB 426	Thursday, March 15, 1973	2:00 p.m.

(Signed) Ernest Chambers, Chairman

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 14A. By Schmit, 23rd District.

A BILL FOR AN ACT to appropriate sixty thousand one hundred twenty-one dollars from the state General Fund for the period of July 1, 1973 to June 30, 1974 to the State Patrol, Agency No. 64 for Program 190, criminal investigation, to aid in carrying out the provisions of Legislative Bill 14, Eighty-third Legislature, first session, 1973.

RESOLUTIONS

LEGISLATIVE RESOLUTION 14. Introduced by Kremer, 34th District.

WHEREAS, the fuel crisis of this winter has focused public attention on the fact this Nation does not have a comprehensive National Energy Policy, and

WHEREAS, the health, safety, welfare, economic and National security of this Nation are clearly dependent upon an adequate supply of energy, and

WHEREAS, there are substantial sources of energy, and great flexibility between forms of energy, however, lead time is required to convert from the use of one form of energy to another, and

WHEREAS, in considering forms of energy and sources of fuel, a proper balance must be struck to preserve and protect our environment, and

WHEREAS, the lack of a National Energy Policy has contributed to delays and shortcomings in research and development, new explorations, adequate conservation of our sources of energy, and other activities essential to a stable energy supply, and

WHEREAS, the energy situation is critical, now, therefore

Be It Resolved by the Eighty-third Session of the Nebraska Legislature that the National Administration and the Congress be urged to give top priority to defining and implementing a National Energy Policy, and

Be It Further Resolved that a copy of this resolution be furnished The President and each member of the Nebraska Congressional delegation and the Majority and Minority leadership of both houses of the Congress.

Laid over.

ANNOUNCEMENT

President Marsh announced that Lottie Henderson, the Postmistress, has baked a Valentine Cake for the Senators.

GENERAL FILE

LEGISLATIVE BILL 252. Considered.

Mr. Dickinson moved to withdraw his pending amendment, as amended, found in the Journal on page 403 for the Twenty-seventh Day. The motion prevailed.

Mr. Carpenter offered the following amendment, which was adopted:

1. On page 2, line 7, insert: "A public hearing shall be held on the question of entering into such agreements. Notice of such public hearing shall be given once each week for three successive weeks prior thereto in a legal newspaper published in or of general circulation in the county. Such notice shall include the purpose and location of the hearing." after the period.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 197. Considered.

Mr. F. Lewis offered the following amendment:

On line 9 after period, add "Such lease or lease-purchase agreement may not exceed a period of ten (10) years."

Mr. Kelly offered the following amendment to the F. Lewis amendment:
Strike "10 years" and insert "8 years".

The Kelly amendment lost with 8 ayes, 16 nays and 25 not voting.

The F. Lewis amendment was adopted with 23 ayes, 3 nays and 23 not voting.

Mr. Carpenter offered the following amendment, which was adopted:
Add new Sec. 2: "A public hearing shall be held on the question of entering into such agreements. Notice of such public hearing shall be given once each week for three successive weeks prior thereto in a legal newspaper published in or of general circulation in the county. Such notice shall include the purpose and location of the hearing."
Renumber Sec. 2 as Sec. 3.

Mr. Barnett offered the following amendment:
On line 5 after the word "district" insert "E.S.U."

Mr. Barnett asked unanimous consent to withdraw his amendment.

Mr. Kelly objected.

The Barnett amendment lost with 4 ayes, 27 nays and 18 not voting.

Mr. Carpenter asked unanimous consent to add his name to LB 197. No objections. So ordered.

Mr. Syas asked unanimous consent to withdraw his name from LB 197. No objections. So ordered.

Mr. F. Lewis moved for a Call of the House on advancing LB 197. The motion prevailed with 25 ayes, 9 nays and 15 not voting.

The Call showed 42 members present.

Mr. Keyes moved the Call be raised. The motion prevailed with 38 ayes, 0 nays and 11 not voting.

Advanced to E & R for Review with 26 ayes, 6 nays and 17 not voting.

MESSAGE FROM THE GOVERNOR

February 13, 1973

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 29, 33, 39, and 130.

These bills were signed by me on February 12, 1973 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

NOTICE OF COMMITTEE HEARINGS
Agriculture and Environment

LB 254	Friday, February 23, 1973	2:00 p.m.
LB 378	Friday, February 23, 1973	2:00 p.m.
LB 149	Thursday, March 1, 1973	2:00 p.m.
LB 444	Thursday, March 1, 1973	2:00 p.m.
LB 182	Friday, March 2, 1973	2:00 p.m.
LB 464	Friday, March 2, 1973	2:00 p.m.
LB 465	Friday, March 2, 1973	2:00 p.m.
LB 17	Thursday, March 8, 1973	2:00 p.m.
LB 410	Thursday, March 8, 1973	2:00 p.m.

(Signed) Loran Schmit, Chairman

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 68. Placed on General File as amended.
Standing Committee amendments to LB 68:

1. On page 3, line 16 after "section" insert ", except as provided in subsection (2) (c) of this section", line 23 strike "82 Stat. 598;

15 U.S.C. 1718" and insert "82 Stat. 590 et seq; 15 U.S.C. 1701 et seq".

2. On page 5, line 15 insert ", sale or other disposition" after "management".

3. On page 6, line 3, strike "or" and add two new subsections after line 6:

"(6) Any officer or employee of the state government or any political subdivision thereof performing his official duties for real estate tax purposes; or

(7) Any person or any employee thereof, who renders an estimate or opinion of value of real estate or any interest therein when such estimate or opinion of value is for the purpose of real estate taxation.".

4. Add a new section 5 to read as follows:

"Sec. 5. This act shall not apply to railroads and other public utilities regulated by the State of Nebraska, or their subsidiaries or affiliated corporations, or to the officers or regular employees thereof, unless performanace of any of the acts described in subsection (2) of section 1 of this act is in connection with the sale, purchase, lease or other disposition of real estate or investment therein unrelated to the principal business activity of such railroad or other public utility or affiliated or subsidiary corporation thereof.".

5. Renumber sections 5 to 40 as sections 6 to 41 respectively.

6. On page 10, lines 17 to 21 strike the last sentence and insert: "No license shall be granted to a corporation or partnership unless any stockholder or partner having a controlling interest therein, if any, bears a good reputation for honesty, trustworthiness and integrity.".

7. On page 12, line 20 strike "ten" and insert "twenty-five".

8. On page 15, line 4 strike "the" and strike lines 5 to 11 and insert: "or be an active participant in the management of the corporation or partnership, and every member or officer of the corporation or partnership, who actively participates in the real estate brokerage business of the corporation or partnership, shall obtain a license as a real estate broker and every employee, who acts as a salesman for such partnership or corporation shall hold a license as an associate broker or a real estate salesman.".

9. On page 21, line 6 after "deposited" insert "unless all parties having an interest in the funds have agreed otherwise in writing".

10. On page 32, line 14 strike "not".

11. On page 34, line 21 insert "if he has not inspected the land" after "days".

12. On page 38 after line 13, insert 2 new sections to read as follows:

"Sec. 42. Sections 33 to 40 of this act shall not apply to the sale or lease of lots in a subdivision for industrial or commercial properties.

Sec. 43. Sections 33 to 40 of this act shall not apply to sale or lease of real estate not pursuant to a common promotional plan to offer or sell twenty-five or more lots in a subdivision.".

13. Renumber original sections 41 to 44 as sections 44 to 47; strike original section 45; and renumber original sections 46 and 47 as sections 48 and 49 respectively.

14. On page 39, line 13 strike "81-887.03" and insert "81-887".

LEGISLATIVE BILL 86. Placed on General File as amended. Standing Committee amendments to LB 86:

1. On page 7, section 6, strike "(2), (3), and (4)" and insert "(3), (4), and (5)".

2. On page 8, section 7, line 2 insert "by examination" after "license", line 2 strike "a" and insert "an examination fee of fifty dollars, and a license", and in line 3 strike "and the" and insert ". The", and in line 6 insert after the period the following: "All fees collected under this act shall be deposited in the state treasury in a fund to be known as the State Real Estate Commission Fund. The commission may use such part of the money in this fund as is necessary to be used by it in the administration and enforcement of this act. The fund shall be paid out only upon proper vouchers and upon warrants issued by the Director of Administrative Services and countersigned by the State Treasurer, as provided by law.".

3. On page 11, section 10, strike lines 20 to 23, and insert:

"(c) After such hearing, the commission shall state in writing, officially signed by the chairman and attested to by the director, its findings and determination and its order in the matter. If the commission shall determine that the license holder has been guilty of any violation of the provisions of this act, his license shall be revoked or suspended forthwith, or the commission may enter an order censoring the license holder.

Within ten days after an order of the commission has become final, the applicant for a license or a license holder may obtain judicial review thereof by serving upon the director a written notice of appeal and a demand in writing for certified transcript for all the papaers on file in his office affecting or relating to such order, together with a transcript of the evidence and the payment of the fee therefor, and he shall, within thirty days from the entry of such order, file a petition for review in the district court for the county where the cause of action or some part thereof arose, together with a bond to the State of Nebraska in the sum of two hundred dollars, with sufficient surety to be approved by the clerk of the district court to which such appeal is taken and conditioned that the applicant for a license or license holder shall pay all costs taxed against him which may accrue to the commission by reason of taking such appeal. In lieu of such bond, a cash deposit of two hundred dollars may be made with the clerk for the same purpose. The petition for review need not be verified but shall state the grounds upon which such review is sought. The commission shall be deemed to be a party to any such review proceedings. The petition for review shall be served upon the director by leaving with him a copy of the petition and the commission shall file its answer within ten days from the date of service of the petition for review.

In any judicial proceeding under this act, the court shall consider the matter de novo upon the record. The court may on its own motion order additional evidence to be taken before it. In addition, any party to such review may offer additional evidence before the court, if such party shall have served written notice of such offer on the other parties at least ten days prior to the hearing. Such notice shall set out the nature of the evidence which he so desires to offer and the names of the witness who he intends to call. In such event the other parties may without advance notice offer evidence in rebuttal. Such proceedings shall be heard in a summary manner.".

LEGISLATIVE BILL 339. Placed on General File as amended. Standing Committee amendment to LB 339:

1. On page 2, line 3 after "members" insert "and employees of the political subdivision either collectively or individually", and on line 7 after "member" insert "or employee".

LEGISLATIVE BILL 390. Placed on General File as amended. Standing Committee amendments to LB 390:

1. On page 2, strike beginning with "When" in line 18 through "the" in line 20, showing the same as stricken and insert "The"; and in line 20 insert "such" after "upon".

2. On page 3, strike the new matter in lines 1 to 9.

3. Insert a new section to read:

"Sec. 2. That section 44-379.01, Revised Statutes Supplement, 1972, be amended to read as follows:

44-379.01. A notice of cancellation, given for reasons other than for nonpayment of premium, of a policy of automobile liability insurance issued or delivered in this state, shall only be effective if mailed by registered or certified mail to the named insured at the address shown in the policy at least thirty days prior to the effective date of such cancellation.

This section shall not apply to any policy issued under an automobile assigned risk plan or to any policy of insurance issued principally to cover personal or premises liability of an insured even though such insurance may also provide some incidental coverage for liability arising out of the ownership, maintenance, or use of a motor vehicle on the premises of the insured or on the ways adjoining such premises. This section shall also not apply to any policy or coverage which has been in effect less than sixty days at the time notice of cancellation is mailed or delivered by the insurer unless it is a renewal policy. Any attempted cancellation in violation of the provisions of this section shall be void.".

4. On page 3, strike lines 10 to 12 and insert:

"Sec. 3. That original sections 44-516 and 44-379.01, Revised Statutes Supplement, 1972, are repealed.".

(Signed) Fred W. Carstens, Chairman

Revenue

LEGISLATIVE BILL 76. Placed on General File as amended. Standing Committee amendments to LB 76:

1. On page 2, insert a new section 1 as follows:

"Section 1. That section 2-1207, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1207. Within the enclosure of any race track where is held a race or race meeting licensed and conducted under sections 2-1201 to 2-1218, but not elsewhere, the pari-mutuel or certificate method or system of wagering on the results of the respective races may be used and conducted by the licensee in connection therewith. Under ~~said~~ such system the licensee ~~is hereby expressly authorized to~~ may receive wagers of money from any person present at such race on any horse in a race selected by such person to run first in such race, and the person so wagering shall acquire an interest in the total money so wagered on all horses in such race as first winners in proportion to the amount of money wagered by him. ~~Said~~ Such licensee shall issue to each person so wagering a certificate on which shall be shown the number of the race, the amount wagered, and the number or name of the horse selected by such person as first winner. As each race is run the licensee ~~shall be authorized to~~ may deduct from the total sum wagered on all horses as first winners, respectively, ~~fourteen~~ fifteen per cent of the ~~said~~ total, plus the odd cents of the redistribution over the next lower multiple of ten, and the balance remaining on hand shall be paid out to the holders of certificates on the winning horse in the proportion that the amount wagered by each certificate holder bears to the total amount wagered on all horses in ~~said~~ such race to run first. The licensee may likewise received such wagers on horses selected to run second, third, or both, or in such combinations as the commission may authorize, the method, procedure and the authority and right of the licensee, as well as the deduction allowed to the licensee, to be as specified with respect to wagers upon horses selected to run first. No minor shall be permitted to make any pari-mutuel wager, and there shall be no wagering except under the pair-mutuel method ~~herein~~ outlined in this section. Any person, association or corporation who knowingly ~~permitting~~ permits a minor to make a pari-mutuel wager shall be ~~deemed~~ guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding three hundred dollars for each offense.".

2. Renumber the existing sections accordingly; in line 13, strike "section" and insert "sections 2-1207 and"; in line 14 strike "is" and insert "are".

(Signed) J. W. Burbach, Chairman

GENERAL FILE

LEGISLATIVE BILL 185. Considered.

Mr. Goodrich asked unanimous consent to withdraw his pending motion to indefinitely postpone found in the Journal on page 422 for the Twenty-eighth Day. No objections. So ordered.

Mr. Goodrich moved to bracket the bill until LB 235 catches up with it. The motion prevailed.

VISITORS

President Marsh introduced three parents and 13 students from North West High School, Grand Island and their instructors Jack Adams and Eugene R. Taylor.

ADJOURNMENT

At 11:52 a.m., on a motion by Mr. Stull, the Legislature adjourned until 9:00 a.m., Thursday, February 15, 1973.

Vincent D. Brown
Clerk of the Legislature

THIRTIETH DAY—FEBRUARY 15, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

THIRTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 15, 1973

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Marsh presiding.

PRAYER

The prayer was offered by Rev. George M. Stulac from the Inter-Varsity Christian Fellowship, Lincoln.

> O God, we acknowledge you as the only source of true life--not just existence as most of us experience it, but that quality of existence which you called "abundant life." We confess that we are not whole people; we make our lives motivated too much by selfishness and fear. In faith that you are the source of true life, we pray that you would free us today to be whole people, able to act on the basis of honesty rather than prejudice and love rather than self-interest. We have the confidence to ask for this from you only in the name of Jesus Christ. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Barnett and Schmit who were excused; Mr. Snyder who was excused until 9:15 a.m.; and C. Carsten who was excused for a short time.

CORRECTIONS FOR THE JOURNAL

Page 429, line 14, insert: "Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "
The Journal for the Twenty-ninth Day was approved as corrected.

Page 385, line 13, after "40" insert "95".
The Journal for the Twenty-sixth Day was approved as corrected.

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on February 15, 1973 at 8:40 a.m. the following: LB 12, LB 90, LB 150, LB 200 and LB 200A.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 19, 35, 95, 117, 118, 119, 120, 124, 137, 38, 84, 152 and 198.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bills: 19, 35, 95, 117, 118, 119, 120, 124, 137, 38, 84, 152 and 198.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 108. Replaced on Select File as amended.
E & R amendment to LB 108:

1. In line 4 of E & R amendment 2, strike the first "1972" and insert "1973".

LEGISLATIVE BILL 234. Replaced on Select File as amended.
E & R amendments to LB 234:

1. In the last line of standing committee amendment 2, strike the first period and insert an underscored semicolon.
2. In lieu of standing committee amendment to page 7, line 14, insert an underscored colon after "mean" and strike "insuring," and show as stricken; and after line 14 insert "(a) Insuring,".

LEGISLATIVE BILL 13. Placed on Select File.

LEGISLATIVE BILL 101A. Placed on Select File.

LEGISLATIVE BILL 40A. Placed on Select File.

LEGISLATIVE BILL 157. Placed on Select File as amended.
E & R amendment to LB 157:

1. In the title, line 6, strike "to delete exceptions;"; and in line 8, insert "section 21-2209, and" after "also".

LEGISLATIVE BILL 169. Placed on Select File.

LEGISLATIVE BILL 227. Placed on Select File.

LEGISLATIVE BILL 102A. Placed on Select File as amended.
E & R amendment to LB 102A:

1. On page 3, line 24, strike "fund" and insert "funds"; and in line 27, strike "General Fund" and insert "proper funds".

LEGISLATIVE BILL 165. Placed on Select File as amended.
E & R amendments to LB 165:

1. On page 11, strike line 15, showing old matter as stricken.
2. In lieu of standing committee amendment thereto, on page 12, line 8, strike the new matter and insert "up to but not more than three months' ".
3. On page 15, line 20 strike the second "a" and insert "one"; and in line 22 strike "a" and insert "one".
4. On page 16, line 24, strike the period.
5. On page 22, strike the last comma in line 26; and in line 27, insert a comma after "8-440".
6. On page 23, line 2, insert ", and also section 8-415, Reissue Revised Statutes of Nebraska, 1943" after "1972".
7. In the title, line 5, strike "8-415,"; in line 5, strike "and 8-440" and insert "8-440, and 8-444"; and in line 12, insert ", and also section 8-415, Reissue Revised Statutes of Nebraska, 1943" after "sections".

LEGISLATIVE BILL 166. Placed on Select File as amended.
E & R amendments to LB 166:

1. In standing committee amendment 3, line 3, strike the comma and strike "directors".
2. On page 5, line 22, strike "in" and insert ", with the approval of the Department of Banking, in (i)"; and strike line 25 and "Banking" in line 26, and insert "insured limit," and insert the standing committee amendment to line 26 immediately thereafter.
3. In standing committee amendment 4, line 4, strike "; or in" and insert "or (ii)".
4. In standing committee amendment 5, line 6, strike "(11)" and insert "(12)".

5. On page 10, insert an underscored comma at the end of line 12; in lieu of standing committee amendment 8, thereto, in line 13, strike "21-17,117.01," and insert "20 of this act, and"; and in line 20, strike "or" and insert "~~or~~ for".

6. In standing committee amendment 10, line 5, insert "that" after "except".

7. In standing committee amendment 11, line 2, insert an underscored comma after "1974"; and in lieu of the amendment to line 17, in line 16, strike "No" and insert "After January 15, 1974, no".

8. In standing committee amendment 12, line 5, insert "any" before the first "borrower".

9. In standing committee amendment 18, strike the comma in line 3; in line 6, strike " 'directors' " and insert "the first comma".

10. On page 20, line 22, reinstate the second comma.

LEGISLATIVE BILL 51. Placed on Select File.

LEGISLATIVE BILL 20. Placed on Select File.

LEGISLATIVE BILL 30. Placed on Select File as amended.
E & R amendment to LB 30:

1. In the title, line 5, insert ", care," after "maintenance".

(Signed) John J. Cavanaugh, Chairman

COMMUNICATION

February 12, 1973

Mr. Vincent D. Brown
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. Brown:

President Nixon and Secretary Butz have asked us to reply to your letters with which you enclosed copies of Resolution No. 4 passed by the Nebraska Legislature concerning the Rural Environmental Assistance Program (REAP).

An overwhelming problem that we all face is that of inflationary pressures on the economy. As we all can appreciate, government spending is one of the main causes of inflation. The Administration has announced that it intends to meet this national problem by restricting 1973 Federal budget outlays to $250 billion.

In order to do that, it is necessary to trim many programs, as good as they are, and eliminate some of lower priority. It isn't that these lower priority programs aren't useful, but we must terminate some programs in order to meet the budget limitation and successfully counteract the critical problem of inflation. Given that choice, you eliminate those programs of lower priority in Agriculture and in all Departments. On this basis, funding for the REAP was terminated.

We have made considerable progress in the last four years in increasing farm income, which has been a major objective. Realized net farm income in 1972 has risen to $18.9 billion, 28 percent higher than in 1968. The average net income per farm from farming in 1972 is 39 percent higher than in 1968. Those net income figures would be even higher were it not for the inflationary pressures that raised farm costs.

We will continue to concentrate on those programs that do enhance farm income—as well as accenting those programs and decisions that enable farmers to have more control over their own farm management decisions and to get more of their income from the marketplace.

Sincerely,

(Signed) Elvin J. Person
Acting Administrator

MESSAGE FROM THE GOVERNOR

February 14, 1973

Mr. Vince Brown
Clerk of the Legislature
State House
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 144, 122, 88, and 69. These bills were signed by me on February 13, 1973 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

MOTION–Introduce Bill

Mr. Maresh moved the introduction of a new bill by the Committee on Labor, (Request No. 559).

Mr. Maresh moved for a Call of the House. The motion prevailed with 21 ayes, 1 nay and 27 not voting.

The Call showed 39 members present.

Mr. Maresh moved the Call be raised. The motion prevailed with 36 ayes, 0 nays and 13 not voting.

The Maresh motion prevailed with 33 ayes, 3 nays and 13 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 481. By Labor Committee: Maresh, 32nd District, Chairman; F. Carstens, 30th District; Kime, 43rd District; Cavanaugh, 9th District; Dickinson, 31st District; Kennedy, 21st District. Kelly, 35th District.

A BILL FOR AN ACT to amend section 48-702, Revised Statutes Supplement, 1972, relating to boilers; to eliminate hydrostatic testing of boilers; to require that boilers be certified as to their safety; to provide mandatory inspections of engines to be operated at a public show; and to repeal the original section.

STANDING COMMITTEE REPORTS
Agriculture and Environment

LEGISLATIVE RESOLUTION 11. Placed on General File as amended.
Standing Committee amendment to LR 11:

1. Strike the resolution as introduced and substitute the following language:

Introduced by Rasmussen, 41st District.

WHEREAS, the State of Nebraska is an agricultural state and the production of food and fiber is the keystone for the economic growth, health and welfare of the nation; and

WHEREAS, the Rural Environmental Assistance Program is of great economic significance and has provided for an orderly and effective development of agricultural and environmental controls to foster harmony between man and the soil; and

WHEREAS, this program, designed to preserve the natural resources so vital to the nation, was created by Congress for the benefit of future generations and is a sacred trust to the citizens of the nation and cannot be arbitrarily broken; and

WHEREAS, this program, and other programs created by the Congress for limited assistance to qualified REA districts and those designed to foster irrigation and water conservation for the protection of the water resources, are now threatened by inconsistent, unsound and totally arbitrary budget cuts by the President which will rob future generations of the benefits of the trust established for them by the Congress for the protection of the natural resources of the nation; and

WHEREAS, the immediate effect of the proposed budget cut will leave existing uncompleted projects and will seriously damage the agricultural interests of Nebraska, the economy of the nation and will impede and stymie environmental control efforts to reverse the degradation of our rivers, streams and lakes; and

WHEREAS, the Congress should stand committed to these programs and give careful review to the budget cut proposals of the administration.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the President of the United States is respectfully requested to give careful and immediate reconsideration to the budget cut proposals affecting these agricultural and environmental programs and following such immediate and careful reconsideration, reappropriate the funds in the Executive budget.

2. ,That the President of the United States honor the sacred committment of Congress to future generations to continue the programs aforesaid.

3. That the members of Congress be fully informed by the membership of the Nebraska delegation of the agricultural and environmental impact implicit in the proposed cuts in the Executive budget and that a united effort be made by Congress to restore the protection afforded by these programs to future generations of mankind.

4. That a copy of this resolution be sent to the President, to the United States Department of Agriculture and to each member of the Nebraska delegation in the Congress.

LEGISLATIVE BILL 194. Placed on General File.

LEGISLATIVE BILL 337. Placed on General File as amended.
Standing Committee amendment to LB 337:

1. Add a new section 3 to read as follows:

"Sec. 3. Emergency Clause".

(Signed) Loran Schmit, Chairman

UNANIMOUS CONSENT—LB 231

Mr. F. Lewis asked unanimous consent to add his name to LB 231. No objections. So ordered.

Mr. Kime asked unanimous consent to withdraw his name from LB 231. No objections. So ordered.

UNANIMOUS CONSENT–Member Excused

Mr. Snyder asked unanimous consent to be excused Friday, February 16. No objections. So ordered.

UNANIMOUS CONSENT–Unbracket LB201

Mr. Epke asked unanimous consent to unbracket LB 201 on Select File. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 201. Mr. Epke offered the following amendments which were adopted by unanimous consent:

On page 5, line 12, after "the" insert "animal disease control."

On page 5, line 13, strike the period and insert ", and the livestock theft laws of this state."

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 247. E & R amendment found in the Journal on page 427 for the Twenty-ninth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 249. E & R amendment found in the Journal on page 427 for the Twenty-ninth Day was adopted.

Advanced to E & R for Engrossment.

NOTICE OF COMMITTEE HEARINGS
Public Works

LB 160	Continued March 7, 1973	2:00 p.m.
LB 308	Cancel March 2, 1973	2:00 p.m.
LB 308	Reset March 15, 1973	2:00 p.m.
LR 13	March 2, 1973	2:00 p.m.

(Signed) Maurice A. Kremer, Chairman

STANDING COMMITTEE REPORT
Public Works

LEGISLATIVE BILL 458. Placed on General File as amended.
Standing Committee amendments to LB 458:

1. On page 2, line 10, strike "tangibles and".
2. On page 3, line 12, strike "tangibles and".

(Signed) Maurice A. Kremer, Chairman

GENERAL FILE

LEGISLATIVE BILL 201A. Title read. Considered.

Mr. Kime offered the following amendments which were adopted:

1. In the title on line 4, strike "of July 1, 1973 to" and insert "ending".
2. In the title on line 9, strike the period and insert "; and to declare an emergency."
3. On page 2, line 3, strike "of July 1, 1973 to" and insert "ending".
4. Add the emergency clause.

Bracketed until Monday, February 19 at the request of Mr. Kime.

LEGISLATIVE BILL 37. Title read. Considered.

Mr. Carpenter renewed his pending amendment found in the Journal on page 421 for the Twenty-eighth Day.

Mr. Carpenter requested a record vote.

Voting in the affirmative, 12:

Carpenter F. Carstens Fellman Goodrich Kennedy
Mahoney Moylan Murphy Nore Skarda
Syas Whitney

Voting in the negative, 23:

Anderson Burbach C. Carsten Cavanaugh Chambers
DeCamp Dickinson Fowler Hasebroock Kelly
F. Lewis R. Lewis Luedtke Maresh Marsh
Proud Rasmussen Richendifer Simpson Snyder
Stahmer Stull Waldron

Not voting, 14:

Barnett Clark Duis Epke Johnson
Keyes Kime Kremer Marvel Savage
Schmit Stromer Warner Wiltse

The amendment lost with 12 ayes, 23 nays and 14 not voting.

Advanced to E & R for Review with 34 ayes, 0 nays and 15 not voting.

UNANIMOUS CONSENT–Member Excused

Mrs. Marsh asked unanimous consent to be excused at 11:15 a.m. today. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 37A. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays and 19 not voting.

LEGISLATIVE BILL 255. Laid over.

LEGISLATIVE BILL 65. Laid over.

LEGISLATIVE BILL 103. Title read. Considered.

Standing Committee amendments found in the Journal on page 398 for the Twenty-seventh Day were adopted.

Advanced to E & R for Review with 28 ayes, 1 nay and 20 not voting.

SPEAKER PROUD PRESIDING

LEGISLATIVE BILL 285. Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays and 19 not voting.

LEGISLATIVE BILL 189. Title read. Considered.

Laid over at the request of Mr. Duis.

LEGISLATIVE BILL 213. Laid over.

LEGISLATIVE BILL 240. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 214. Title read. Considered.

Standing Committee amendment found in the Journal on page 403 for the Twenty-seventh Day was adopted.

Mr. Carpenter offered the following amendments which were adopted:

1. Amend the bill by adding a new section 1 to read as follows:

"Section 1. That section 23-1613, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-1613. The Auditor of Public Accounts is authorized to deputize or empower ~~not more than ten~~ competent accountants to make the examinations and audits provided for in section 23-1608, and to establish uniformity in the system of keeping accounts at salaries to be fixed by such auditor. The Auditor of Public Accounts is further authorized to employ one assistant for each accountant at a salary to be fixed by such auditor. The salaries of accountants and their assistants shall be paid out of such fund as the Legislature may specifically appropriate for that purpose during any biennium.".

2. Renumber original section 1 as section 2, respectively.

3. Strike original section 2 and insert the following:

"Sec. 3. That original sections 23-1613 and 23-2313, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

4. Amend the title to conform.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 116. Title read. Considered.

Standing Committee amendments found in the Journal on page 404 for the Twenty-seventh Day were adopted.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 126. Title read. Considered.

Standing Committee amendments found in the Journal on page 404 for the Twenty-seventh Day were adopted.

Advanced to E & R for Review with 25 ayes, 1 nay and 23 not voting.

LEGISLATIVE BILL 159. Title read. Considered.

Standing Committee amendments found in the Journal on page 404 for the Twenty-seventh Day were adopted.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 184. Laid over until Monday, February 19.

UNANIMOUS CONSENT–Print In Journal

Mr. Stahmer asked unanimous consent to have the following amendments printed in the Journal to LB 318. No objections. So ordered.

1. On page 9 line 2 insert after "therein" ", less four per cent of such liability as compensation to reimburse the distributor for the expenses incurred in the administration of this act.".

2. On page 11 lines 2 and 3 strike "the state treasury and by the State Treasurer placed in the General Fund." and insert "a special fund to be known as the University of Nebraska at Omaha Physical Education Facility Fund which is hereby created and which shall be used for the erection of a new physical education building for the University of Nebraska at Omaha, including land acquisition, construction, equipping, furnishing, and providing necessary parking space."; in line 4 insert new sections 7 and 8 to read as follows:

"Sec. 7. The cost of construction, of the physical education building excluding interest on indebtedness, shall not exceed five million dollars. Such physical education facility may be constructed and financed in the manner set forth in sections 85-401 and 85-402, Revised Statutes Supplement, 1972. The land necessary for erection of the physical education building shall be selected by the Board of Regents of the University of Nebraska. Permission is hereby given for any person, firm, or corporation to construct such physical education facility on the land so selected, which may be leased by the State of Nebraska to such person, firm, or corporation. The physical education building so constructed shall be leased to the Board of Regents of the University of Nebraska pursuant to the provisions of sections 85-401 and 85-402, Revised Statutes Supplement, 1972. The liability of the Board of Regents of the University of Nebraska under such lease shall be limited to the money appropriated from time to time from the University of Nebraska at Omaha Physical Education Facility Fund.

Sec. 8. No bonds shall be issued under the provisions of this act until they shall first have been offered to the state investment officer for purchase in whole or in part. Any such bonds not purchased by the state investment officer shall be sold, at public or private sale, upon the best terms that may be obtained.".

3. Renumber original sections 7, 8, 9, 10, and 11 as sections 9, 10, 11, 12, and 13 respectively.

UNANIMOUS CONSENT–Members Excused

Mr. Carpenter asked unanimous consent to be excused tomorrow. No objections. So ordered.

Mr. Anderson asked unanimous consent to be excused this afternoon and tomorrow. No objections. So ordered.

REFERENCE COMMITTEE REPORT

LB	Committee
481	Labor

(Signed) Terry Carpenter, Chairman
Executive Board

NOTICE OF COMMITTEE HEARINGS
Labor

LB 481 Wednesday, March 14, 1973 2:00 p.m.

(Signed) Richard Maresh, Chairman

STANDING COMMITTEE REPORT
Revenue

LEGISLATIVE BILL 367. Indefinitely postponed.

(Signed) J. W. Burbach, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 24, 107, 133, 188, 191, 192.

(Signed) John Cavanaugh, Chairman

VISITORS

President Marsh introduced former Senator Elvin Adamson from Valentine, Nebraska.

President Marsh introduced 26 Third Grade students from Riley School, Lincoln and Mrs. Smith, teacher.

President Marsh introduced 24 Fourth Grade students from Arnold School, Lincoln and Mrs. Hurd, teacher.

President Marsh introduced 100 Fourth, Fifth and Sixth Grade students from Norwood Park School, Lincoln and Mesdames Perry, Munnis, Valkiner and Miss Dunham, teachers.

President Marsh introduced 70 Junior High students from Humboldt Public School, Humboldt, Nebraska and Mr. Darrell Montgomery, teacher.

ADJOURNMENT

At 11:47 a.m., on a motion by Speaker Proud, the Legislature adjourned until 9:00 a.m., Friday, February 16, 1973.

Vincent D. Brown
Clerk of the Legislature

THIRTY-FIRST DAY—FEBRUARY 16, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

THIRTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 16, 1973

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Marsh presiding.

PRAYER

Prayer was offered by Rev. Alfred Ernst of Trinity Luthern Church, Lincoln.

> O Lord, our God, Creator of the universe, and the One in whom rests the destiny of men and of nations. We are thankful for the kindnesses You show us in so many ways. We are grateful for the gift of Jesus Christ, in whose life and death your love is perfectly made known. He did not set out to be served, or to lord it over others: His greatness was exercised in service, even to the furtherest point of self-sacrifice. We thank you for His work. Long ago in the flesh and ever since through the Holy Spirit, for searching out those who are off the path, urging men on, and giving the unruly a center for their lives.
>
> Father, in all these things it matters greatly to know you are in command. Make us all to serve your purposes, so that when we come to the end of our lives, it may be said of us "Well done, good and faithful servants." We ask all this in Jesus' name and for His sake. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Anderson, Barnett, Carpenter, DeCamp, Fellman, Johnson, R. Lewis, Richendifer and Snyder.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirtieth Day was approved.

UNANIMOUS CONSENT–Members Excused

Mr. F. Lewis asked unanimous consent to be excused on February 20, 21 and 22. No objections. So ordered.

Messrs. Burbach, Epke and C. Carsten asked unanimous consent to be excused on February 19, 20, and 21. No objections. So ordered.

Mr. Maresh asked unanimous consent to be excused at 10:45 a.m. until he returns. No objections. So ordered.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 302, passed in the 1965 session of the Legislature, the attached is a list of all lobbyists who have registered as of February 15, 1973. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Vincent D. Brown
Clerk of the Legislature

Grothe, Tyrone E. – Omaha, Nebraska Federation of Republican Women
Humble, Charles D. – Lincoln, City of Lincoln, Nebraska
Jensen, Soren S. – Omaha, ConAgra, Inc.
Miller, C. A. – Lincoln, Tews and Noren
Nelson, Jerry C. – Lincoln, City of Lincoln, Nebraska
Pettett, Deane H. – Lincoln, Farmers Mutual of Nebraska
Tews and Noren – Lincoln
  Charles F. Noren and David D. Tews – Citizens for Good Government, Matthews & Wright, Inc.
Van Valkenburg, Robert J. – Lincoln, Matthews & Wright, Inc.
Wolfe, Jack G. – Lincoln, City of Lincoln, Nebraska
Wood, Richard R. – Lincoln, City of Lincoln, Nebraska

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 201. Replaced on Select File as amended.
E & R amendments to LB 201:

1. Add a new section to read:

"Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. In the Epke amendment to page 5, line 12, insert "the first" after "after"; and strike the period and insert the period at the end of the line.

3. In the Epke amendment to page 5, line 13, strike the underscored comma.

LEGISLATIVE BILL 252. Placed on Select File as amended.
E & R amendments to LB 252:

1. In the Carpenter amendment, lines 2 and 3, strike "entering into such agreements" and insert "such taking".

2. In the title, line 5, insert "to provide for hearings;" after the semicolon.

LEGISLATIVE BILL 197. Placed on Select File as amended.
E & R amendment to LB 197:

1. In lieu of previous amendments to page 2, lines 9 to 11, in line 11, strike "twenty" and insert "ten".

2. In new section 2, line 2, strike "such agreements" and insert "agreements authorized by section 79-4,154".

3. In the title, line 5, insert "to provide for public hearings;" after the semicolon.

(Signed) John J. Cavanaugh, Chairman

STANDING COMMITTEE REPORT
Nebraska Retirement Systems

LEGISLATIVE BILL 216. Placed on General File as amended.
Standing Committee amendments to LB 216:

1. Insert two sections to read:

"Section 2. That section 23-2330, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-2330. If a majority of the electors approve the retirement plan, the county clerk shall certify the outcome of the election to the ~~Governor if the retirement board has not been appointed or to the~~ retirement board. ~~as the case may be.~~ He shall also submit a list of all employees then eligible for participation in the plan which list shall state the name and address of the employee and his gross monthly wage. ~~When the Governor has received certification from the counties whose eligible employees have a cumulative combined gross monthly wage of sixty thousand dollars, he shall appoint the members of the retirement board as provided in section 23-2303 and shall certify to the retirement board the names of the participating counties.~~"

"Section 3. That section 84-1503, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-1503. (1) To administer the retirement systems provided for in sections 24-701 to 24-714, 60-441 to 60-461, 79-1501 to 79-1557, and 84-1301 to 84-1331, and the authority of the board to administer such systems shall commence thirty days after August 27, 1971; and to administer the retirement system provided for in sections 23-2301 to 23-2331, and the authority of the board to administer such system shall commence thirty days after the effective date of this act.

(2) To hire a director to administer the systems under direction of the board. The director shall not be a member of the board. Salaries of the director and his employees shall be set by the board; and

(3) To provide for an equitable allocation of expenses among the retirement systems administered by the board, and all expenses shall be provided from the investment income earned by the various retirement funds.

2. Renumber original section 2 as section 4.

3. On page 3, line 26 strike "section 23-2301" and insert "sections 23-2301, 23-2330, and 84-1503".

(Signed) Ramey C. Whitney, Chairman

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 32, 100, 115, 181, 245, 247 and 249.

(Signed) John J. Cavanaugh, Chairman

MOTIONS—Introduce Bills

Mr. Kennedy moved the introduction of a new bill by the Committee on Public Health and Welfare (Request No. 776). The motion prevailed with 32 ayes, 0 nays and 17 not voting.

Mr. Kennedy moved the introduction of a new bill by the Committee on Public Health and Welfare (Request No. 777). The motion prevailed with 30 ayes, 0 nays and 19 not voting.

Mr. Mahoney moved the introduction of a new bill by the Executive Board (Request No. 709). The motion prevailed with 30 ayes, 0 nays and 19 not voting.

BILLS ON FIRST READING

The following bills were read for the first by title:

LEGISLATIVE BILL 482. By Public Health and Welfare Committee: Kennedy, 21st District, Chairman; Maresh, 32nd District; Goodrich, 20th District; Lewis, 38th District; Cavanaugh, 9th District; F. Lewis, 45th District.

A BILL FOR AN ACT to amend section 71-2301, Reissue Revised Statutes of Nebraska, 1943, relating to public health; to remove the limitation on the salary of the director at the Scottsbluff laboratory; and to repeal the original section.

LEGISLATIVE BILL 483. By Public Health and Welfare Committee: Kennedy, 21st District, Chairman; Maresh, 32nd District; Goodrich, 20th District; Cavanaugh, 9th District; F. Lewis, 45th District.

A BILL FOR AN ACT to amend section 71-1701, Reissue Revised Statutes of Nebraska, 1943, relating to public health; to authorize any city, village, county or township to expend general funds for the purpose of paying the expenses of a visiting nurse as prescribed; and to repeal the original section.

LEGISLATIVE BILL 484. By Executive Board: Mahoney, 5th District, Vice-Chairman.

A BILL FOR AN ACT to provide for the apportionment of funds to aid in defraying the state's share of participation in Public Law 660, the Federal Water Pollution Control Act; and to declare an emergency.

MOTION—Withdraw LB 473

Mr. Rasmussen moved to withdraw LB 473 and cancel the hearing of March 1. Laid over.

MOTION—Suspend Rules

Mr. Marvel moved to suspend the rules and cancel the hearing on LB 376 set for February 20. The motion prevailed with 30 ayes, 0 nays and 19 not voting.

SELECT FILE

LEGISLATIVE BILL 108. E & R amendment found in the Journal on page 449 for the Thirtieth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 234. E & R amendments found in the Journal on page 449 for the Thirtieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 13. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 101A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 40A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 157. E & R amendment found in the Journal on page 450 for the Thirtieth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 169. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 227. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 102A. E & R amendment found in the Journal on page 450 for the Thirtieth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 165. E & R amendments found in the Journal on page 450 for the Thirtieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 166. E & R amendments found in the Journal on page 450 for the Thirtieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 51. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 20. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 30. E & R amendment found in the Journal on page 451 for the Thirtieth Day was adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT–Change of Order

Mr. Epke asked unanimous consent to consider LB 201 on Select File at this time. No objections. So ordered.

LEGISLATIVE BILL 201. E & R amendment found in today's Journal was adopted.

Advanced to E & R for Engrossment.

MOTION–Return LB 201 to Select File

Mr. Epke moved to return LB 201 to Select File for the following specific amendment: Strike the Epke amendment to page 5, line 13.

The motion prevailed with 26 ayes, 0 nays and 23 not voting.

SELECT FILE

LEGISLATIVE BILL 201. The Epke specific amendment found in today's Journal was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Bracket LB 132

Mr. Burbach asked unanimous consent to have LB 132 bracketed until February 22 on Final Reading. No objections. So ordered.

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on February 16, 1973, at 9:05 a.m.: LB 19, LB 35, LB 95, LB 117, LB 118, LB 119, LB 120, LB 124, LB 137, LB 38, LB 84, LB 152 and LB 198.

(Signed) Barbara Jackson, Enrolling Clerk

ATTORNEY GENERAL'S OPINION

February 15, 1973

Senator Orval A. Keyes
Nebraska State Legislature
State Capitol
Lincoln, Nebraska

Dear Senator Keyes:

In your letter of February 14, 1973, you ask whether the state by statute has the right to set the value of livestock at anything but 100 per cent of its actual value, or assess at anything other than 35 per cent of its actual value. Article VIII, Section 1 of the Nebraska Constitution provides that taxes shall be levied by valuation uniformly and proportionately upon all tangible property. That section also provides that the Legislature may provide that livestock shall constitute a separate and distinct class of property for purposes of taxation. However, the requirement of uniformity would apply within the class consisting of livestock, so that all livestock must be taxed uniformly and proportionately. Section 77-201, R. R. S. 1943, provides for assessing property at 35 per cent of actual value. Our answer to your question, therefore, must be that the state must treat all livestock, as a class, uniformly for purposes of taxation. Livestock, however, as a class, could be treated differently from other classes of taxable property.

You have enclosed with your letter a copy of L. B. 367. You have not asked any specific questions about this bill, but we assume from the fact of your having enclosed a copy that you wish our comments on it. L. B. 367 amends Section 77-1262, R. S. Supp., 1972, by providing that registered herd bulls shall be assessed at one and one-half times the value of range and commercial bulls, striking the provision that this should be the minimum valuation, and apparently providing that it should be the value used in all situations. We believe there is serious doubt as to the constitutionality of such an amendment. The present statute obviously contemplates that a registered herd bull whose actual value is in excess of one and one-half times the value of range and commercial bulls shall be assessed at its actual value. L . B. 367 would provide that its assessed valuation would be at the figure designated, irrespective of the actual value of the bull. It would appear that this would violate the uniformity provision of Article VIII, Section 1 of the Constitution.

Very truly yours,

(Signed) CLARENCE A. H. MEYER
Attorney General

(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:ejg

cc Mr. Vincent D. Brown
Clerk of the Legislature

UNANIMOUS CONSENT—Member Excused

Mr. Simpson asked unanimous consent to be excused on Friday, February 23, 1973. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 71. Considered.

Mr. Simpson offered the following amendment which was adopted:
In line 7, strike "city council" and insert "governing body".

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 178. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

UNANIMOUS CONSENT—Member Excused

Mr. Warner asked unanimous consent to be excused at 11:00 a.m. for the remainder of the morning. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 176. Considered.

The Whitney pending amendment found in the Journal on page 389 for the Twenty-sixth Day, as amended, was adopted with 23 ayes, 3 nays and 23 not voting.

Mr. Keyes offered the following amendment which was adopted:
Insert after "issue" on line 2
...for one motor vehicle carrying 10 passengers or less
and not for hire...

Mr. Keyes moved for a Call of the House on advancing LB 176. The motion prevailed with 21 ayes, 1 nay and 27 not voting.

The Call showed 32 members present.

Mr. Stull moved the Call be raised. The motion prevailed with 30 ayes 0 nays and 19 not voting.

Advanced to E & R for Review with 26 ayes, 3 nays and 20 not voting.

LEGISLATIVE BILL 14A. Title read. Considered.

Mr. Schmit moved for a Call of the House on advancing LB 14A. The motion prevailed with 23 ayes, 1 nay and 25 not voting.

Mr. Schmit moved the Call be raised. The motion prevailed.

Advanced to E & R for Review with 28 ayes, 3 nays and 18 not voting.

UNANIMOUS CONSENT—Change of Hearing Room

Mr. F. Carstens asked unanimous consent to use the West Chamber, Tuesday, February 20, 1973 for the Committee Hearing of the Banking, Commerce and Insurance Committee. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 255. Considered.

Standing Committee amendments found in the Journal on page 397 for the Twenty-seventh day were read. Amendments pending.

UNANIMOUS CONSENT–Change of Hearing Time

Mr. Waldron asked unanimous consent to schedule Miscellaneous Subjects Committee Hearings at 1:30 p.m. on February 22, March 1, March 8, and March 15, 1973. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS

Banking, Commerce and Insurance

LB 349	Cancel Monday, February 26, 1973	2:00 p.m.
LB 349	Reset Tuesday, March 6, 1973	2:00 p.m.
LB 411	Cancel Monday, February 26, 1973	2:00 p.m.
LB 411	Reset Tuesday, March 6, 1973	2:00 p.m.
LB 455	Cancel Tuesday, February 27, 1973	2:00 p.m.
LB 455	Reset Tuesday, March 6, 1973	2:00 p.m.

(Signed) Fred W. Carstens, Chairman

REFERENCE COMMITTEE REPORT

LB	COMMITTEE
482	Public Health and Welfare
483	Public Health and Welfare
484	Agriculture and Environment

(Signed) Eugene T. Mahoney, Vice-Chairman
Executive Board

STANDING COMMITTEE REPORTS

Constitutional Revision and Recreation

LEGISLATIVE BILL 41. Indefinitely postponed.

LEGISLATIVE BILL 63. Indefinitely postponed.

LEGISLATIVE BILL 163. Placed on General File.

(Signed) George Syas, Chairman

Appropriations

LEGISLATIVE BILL 311. Placed on General File.

(Signed) Richard D. Marvel, Chairman

Urban Affairs

LEGISLATIVE BILL 273. Placed on General File as amended.
Standing Committee amendments to LB 273:

1. Amend page 2, line 9 by inserting after "five persons" the following: "who shall be residents of the area of operation of the authority,".
2. Amend page 3, line 4 by inserting after the period the following: "In the event of the failure of such governing body to act on the appointment within thirty days, then the appointment shall be deemed to have been confirmed.".
3. Amend page 4, line 8 by inserting after "qualified" the following: "; Provided, that if a commissioner shall move out of the area of operation of the authority, or, if a tenant, shall cease to be a tenant of the authority, then in either event the term of such commissioner shall automatically terminate and a successor shall be appointed to fill such vacancy in the manner as provided in this section.".

LEGISLATIVE BILL 276. Placed on General File.

LEGISLATIVE BILL 373. Placed on General File.

(Signed) Duke Snyder, Chairman

VISITORS

President Marsh introduced 16 Kindergarten students from Blessed Sacrament School, Lincoln, Sister M. Rosanne and 3 adults.

President Marsh introduced 36 First through 6th Grade students from School District No. 88, Dodge County and 7 teachers.

ADJOURNMENT

At 11:59 a.m., on a motion by Mr. Stromer, the Legislature adjourned until 10:00 a.m., Monday, February 19, 1973.

Vincent D. Brown
Clerk of the Legislature

THIRTY-SECOND DAY—FEBRUARY 19, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

THIRTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 19, 1973

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Marsh presiding.

PRAYER

Prayer was offered by the Chaplain.

The Chaplain read a letter written by George Washington to his wife.

> We recognize, our Father, as George Washington saw so clearly, that "no people can be bound to acknowledge and adore the invisible hand which conducts the affairs of men more than those of the United States. Every step by which they have advanced to the character of an independent nation seems to have been distinguished by some token of providential agency."
>
> Believing that the hand that has brought us thus far will not forsake us now, but if we are willing will lead us on into further inspiration and service to all mankind, we would join our prayers this day with those of men and women all over the world who pray for order and peace.
>
> We pray therefore for some evidence in what is said and done here that thou hast been permitted a vote, and that these men and women have yielded their lives to Thee. In Jesus' name. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Burbach, C. Carsten, Epke, Johnson and Nore who were excused.

CORRECTIONS FOR THE JOURNAL

Page 466, line 14, insert "Vice" before the word "Chairman".
Page 467, line 22 insert "Mr. Epke asked unanimous consent to consider LB 201 on Select File at this time. No objections. So ordered."
Page 470, line 14, insert "on advancing LB 176" after "House".
Page 470, line 21, insert "on advancing LB 14A" after "House".
The Journal for the Thirty-First Day was approved as corrected.

UNANIMOUS CONSENT—Moment of Silence

Mr. Fellman asked the members to stand for a moment of silence in memory of former Lt. Governor, Ted Metcalf of Omaha. No objections. So ordered. The members stood for a moment of silence in his memory.

MESSAGE FROM THE GOVERNOR

February 16, 1973

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 19, 35, 38, 84, 90, 95, 150, 152, 198, 200, and 200A.

These bills were signed by me on February 16, 1973 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

NOTICE OF COMMITTEE HEARINGS
Public Health and Welfare Committee

LB 286	Cancel hearing for Tuesday, February 27, 1973	2:00 p.m.
LB 286	Reset hearing for Tuesday, March 6, 1973	2:00 p.m.
LB 449	Cancel hearing for Monday, March 5, 1973	2:00 p.m.
LB 449	Reset hearing for Monday, March 12, 1973	2:00 p.m.
LB 483	Tuesday, February 27, 1973	2:00 p.m.
LB 482	Monday, March 12, 1973	2:00 p.m.

(Signed) Thomas C. Kennedy, Chairman

Nebraska Retirement Systems

LB 352	Wednesday, February 28, 1973	12:30 p.m.
LB 420	Wednesday, February 28, 1973	12:30 p.m.
LB 468	Wednesday, February 28, 1973	12:30 p.m.

LB 478	Wednesday, February 28, 1973	12:30 p.m.
LB 479	Wednesday, February 28, 1973	12:30 p.m.
LB 480	Wednesday, February 28, 1973	12:30 p.m.

(Signed) Ramey C. Whitney, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 37. Placed on Select File.

LEGISLATIVE BILL 37A. Placed on Select File.

LEGISLATIVE BILL 103. Placed on Select File as amended.
E & R amendments to LB 103:

1. In standing committee amendment 1, line 1, insert " 'and primary' and insert" after "strike".

2. Insert the new matter added by standing committee amendment 3 after "be" in line 25; in line 1 thereof insert an underscored comma before "except"; and in line 3, strike the comma.

3. In lieu of standing committee amendment 6, after "years" on page 3, line 9, insert an underscored period after "years" and strike the comma and show as stricken.

4. Add a new section to read:

"Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

5. In the title, strike lines 4 to 11 and insert "1943, relating to the plumbing board; to make provisions permissive for cities of the primary class; to increase the size of the board and change its composition on terms of members; to provide exceptions; to change provisions for calling meetings; to repeal the original sections; and to declare an emergency.".

LEGISLATIVE BILL 285. Placed on Select File as amended.
E & R amendment to LB 285:

1. In the title, strike lines 4 and 5 and insert "to eliminate a restriction on the time of meetings of boards of health; and to".

LEGISLATIVE BILL 240. Placed on Select File as amended.
E & R amendments to LB 240:

1. On page 3, lines 21 and 22, strike "in this act"; and in line 27, strike "under this act".

2. On page 4, lines 6 and 7, strike "under authority contained in this act".

3. In the title, strike lines 6 and 7 and insert "method of approving certain equipment, components, or assemblies as".

LEGISLATIVE BILL 214. Placed on Select File as amended.
E & R amendment to LB 214:

1. In the title, line 2, strike "section" and insert "sections 23-1613 and"; in lines 3 and 4, strike "the retirement system for"; in line 4, insert "to eliminate a restriction;" after the semicolon; and in line 6, strike "section" and insert "sections".

LEGISLATIVE BILL 116. Placed on Select File as amended.
E & R amendments to LB 116:

1. In standing committee amendment 3, line 2, strike "their" and insert "his".

2. On page 2, insert "or person unable to communicate the English language" at the end of line 19, and after "person" in line 24; and in line 25, strike "deaf".

3. On page 3, line 2, insert a comma after "act"; in line 5, insert "or person unable to communicate the English language" after "person"; in lines 6 and 8, strike "deaf"; and in line 12, strike "for".

4. In the title, line 2, strike "criminal procedure" and insert "courts"; and in line 5, strike "criminal".

LEGISLATIVE BILL 126. Placed on Select File as amended.
E & R amendments to LB 126:

1. On page 2, line 20, strike "excepting" and insert "except for"; and in line 20, strike "the".

2. On page 3, line 24, strike "excepting" and inserting "except for"; and in line 25, strike "the".

3. In the title, line 5, insert "as deputy probation or parole officers" after "ex-offenders".

LEGISLATIVE BILL 159. Placed on Select File.

Correctly Engrossed

The following bills were correctly engrossed: 13, 40A, 101A, 102A, 108, 157, 169, 227 and 234.

(Signed) John J. Cavanaugh, Chairman

STANDING COMMITTEE REPORT
Constitutional Revision and Recreation

LEGISLATIVE BILL 232. Placed on General File as amended.
Standing Committee amendments to LB 232:

1. On page 2, line 23, after "hundred" insert "seventy-five".
2. On page 3, line 13 after "hundred" insert "seventy-five".

(Signed) George Syas, Chairman

ANNOUNCEMENT

Mr. Carpenter announced that the Executive Board would meet tomorrow, February 20, 1973, at 1:00 p.m. in the Legislative Council Hearing Room.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 57.

A BILL FOR AN ACT to amend section 83-176, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Treatment and Corrections Act; to provide for a juvenile court hearing; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Barnett
F. Carstens
Cavanaugh
Clark
DeCamp
Dickinson
Duis
Fellman
Fowler
Goodrich
Hasebroock
Kelly
Kennedy
Keyes
Kime
Kremer
F. Lewis
R. Lewis
Luedtke
Maresh
Marsh
Marvel
Moylan
Murphy
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Snyder
Stahmer
Stull
Syas
Warner
Wiltse

Voting in the negative, 0.

Not voting, 12:

Anderson
Burbach
Carpenter
C. Carsten
Chambers
Epke
Johnson
Mahoney
Nore
Stromer
Waldron
Whitney

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 58.

A BILL FOR AN ACT to amend sections 43-210 and 83-465, Reissue Revised Statutes of Nebraska, 1943, relating to youth development centers; to provide a minimum age for commitment; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Anderson
Barnett
Carpenter
F. Carstens
Cavanaugh
Clark
DeCamp
Duis
Fellman
Fowler
Goodrich
Hasebroock
Kelly
Kennedy
Keyes
Kime
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 7:

Burbach
C. Carsten
Chambers
Dickinson
Epke
Johnson
Nore

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 59.

A BILL FOR AN ACT relating to the Nebraska Center for Children and Youth; to provide for assistance to the juvenile courts in making proper disposition of children.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Anderson	Barnett	Carpenter	F. Carstens	Cavanaugh
Clark	DeCamp	Dickinson	Duis	Fellman
Fowler	Goodrich	Hasebroock	Kelly	Kennedy
Keyes	Kime	Kremer	F. Lewis	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Marvel
Moylan	Murphy	Proud	Rasmussen	Richendifer
Savage	Schmit	Simpson	Skarda	Snyder
Stahmer	Stromer	Stull	Syas	Waldron
Warner	Whitney	Wiltse		

Voting in the negative, 0.

Not voting, 6:

Burbach	C. Carsten	Chambers	Epke	Johnson
Nore				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 291. With Emergency.

A BILL FOR AN ACT to amend section 50-419.01, Revised Statutes Supplement, 1972, relating to the Legislative Fiscal Analyst; to change duties; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Anderson	Barnett	Carpenter	F. Carstens	Cavanaugh
Clark	DeCamp	Dickinson	Duis	Fellman
Fowler	Goodrich	Hasebroock	Kelly	Keyes
Kime	Kremer	F. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Moylan	Murphy
Proud	Rasmussen	Richendifer	Savage	Schmit
Simpson	Skarda	Snyder	Stahmer	Stromer
Stull	Syas	Waldron	Warner	Whitney
Wiltse				

Voting in the negative, 0.

Not voting, 8:

Burbach	C. Carsten	Chambers	Epke	Johnson
Kennedy	R. Lewis	Nore		

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION—Easter Vacation

Mr. Whitney moved the Legislature take the week following Easter as vacation.

Mr. Kelly moved to amend the motion to include Good Friday. The motion prevailed.

The Whitney motion, as amended, prevailed with 28 ayes, 6 nays and 15 not voting.

MOTIONS—Introduce Bills

Mr. Mahoney moved the introduction of a new bill by the Executive Board (Request No. 757). The motion prevailed with 31 ayes, 0 nays and 18 not voting.

Mr. Mahoney moved the introduction of a new bill by the Executive Board (Request No. 770). The motion prevailed with 31 ayes, 0 nays and 18 not voting.

Mr. Moylan moved the introduction of a new bill by the committee on Banking, Commerce and Insurance (Request No. 769). The motion prevailed with 31 ayes, 0 nays and 18 not voting.

Mr. Kremer moved the introduction of a new bill by the committee on Public Works (Request No. 743). The motion prevailed with 30 ayes, 0 nays and 19 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 485. By Executive Board: Mahoney, 5th District, Vice-Chairman.

A BILL FOR AN ACT to amend sections 50-112 and 404, Reissue Revised Statutes of Nebraska, 1943, and sections 50-111, 50-401.01, and 50-402, Revised Statutes Supplement, 1972, relating to the Legislature; to change provisions relating to officers and employees of the Legislature as prescribed; to provide powers and duties of the Executive Board; and to repeal the original sections.

LEGISLATIVE BILL 486. By Executive Board: Mahoney, 5th District, Vice-Chairman.

A BILL FOR AN ACT relating to retail merchants; to provide that a retail merchant may publish prices of his own choosing for any merchandise he has in stock.

LEGISLATIVE BILL 487. By Banking, Commerce and Insurance Committee: F. Carstens, 30th District, Chairman; Moylan, 6th District; Snyder, 14th District; Murphy, 17th District; Wiltse, 1st District; Hasebroock, 18th District; Stromer, 36th District; Duis, 39th District.

A BILL FOR AN ACT to amend section 28-844, Revised Statutes Supplement, 1972, relating to offenses against public peace; to make municipalities or counties liable for judgments obtained against elected county officials; to provide that municipalities or counties defend such officials; and to repeal the original section.

LEGISLATIVE BILL 488. By Public Works Committee: Kremer, 34th District, Chairman; Wiltse, 1st District; R. Lewis, 38th District; Goodrich, 20th District; Warner, 25th District; Moylan, 6th District; Hasebroock, 18th District; Stromer, 36th District.

A BILL FOR AN ACT to amend section 60-320, Revised Statutes Supplement, 1972, relating to motor vehicles; to delete an exception to the requirement of display of in transit decals; and to repeal the original section.

SELECT FILE

LEGISLATIVE BILL 252. E & R amendments found in the Journal on page 464 for the Thirty-first Day were adopted.

Mr. Carpenter asked unanimous consent to strike line 4 and insert the word "Land" at start of line 5. Mr. Dickinson objected.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 197. E & R amendments found in the Journal on page 464 for the Thirty-first Day were adopted.

Mr. Barnett offered the following unanimous consent amendments:

1. Insert a new section to read:

"Sec. 3. That section 79-2201.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2201.01. In order to carry out the purposes provided in section 79-2201, educational service units may purchase or lease-purchase real estate and may purchase, lease, or lease-purchase equipment.".

2. Renumber original section 2 as section 4.
3. On page 2, line 13, strike "section 79-4,154" and insert "sections 79-4,154 and 79-2201.01".

Mr. Kremer objected.

Bracketed at the request of Mr. Barnett until February 21.

MOTION—Return LB 249 to Select File

Mr. Wiltse moved to return LB 249 to Select File for the following specific amendments:

1. In standing committee amendment 1, strike "such policy" in line 4 and all of line 5 and insert "the cost of such policy shall be paid in equal shares by each municipality or".
2. On page 2, line 4, insert ", except any city of the second class or village," after "municipality"; and in line 10, insert "Such policy may be purchased and maintained in force by the governing body of any city of the second class or village." after the period.

Motion pending.

Bracketed at the request of Mr. Wiltse until February 21.

MOTION—Return LB 252 to Select File

Mr. Carpenter moved to return LB 252 to Select File for the following specific amendment:

Strike line 4 and insert the word "Land" at the start of line 5.

Mr. Carpenter moved for a Call of the House on the motion to return to Select File. The motion prevailed with 24 ayes, 0 nays and 25 not voting.

The Call showed 40 members present.

Mr. Clark moved the Call be raised. The motion prevailed with 27 ayes, 2 nays and 20 not voting.

The Carpenter motion lost with 18 ayes, 10 nays and 21 not voting.

UNANIMOUS CONSENT—Change of Hearing Room

Mr. Chambers asked unanimous consent to move the Government, Military and Veteran's Affairs Committee hearing on Resolution 9 from the East to the West Chamber on Thursday, February 22, 1973. No objections. So ordered.

UNANIMOUS CONSENT–Committee Meetings

Mr. Whitney asked unanimous consent for the Retirement Committee to meet at 7:30 p.m. tonight in Room 2102. No objections. So ordered.

Mr. Whitney announced the Committee on Committees will meet at 12:30 today in Room 2227.

Mr. Maresh announced the Labor Committee will meet in executive session February 20, 1973 at 12 Noon, in Room 1009.

Mr. Waldron announced the Miscellaneous Subjects Committee will meet in executive session at 11:45 a.m. today in the Legislative Council Hearing Room.

UNANIMOUS CONSENT–Members Excused

Mr. Dickinson asked unanimous consent to be excused on Tuesday and Wednesday morning, February 20 and 21 until he arrives. No objections. So ordered.

Mr. F. Carstens asked unanimous consent to be excused at this time until he returns. No objections. So ordered.

Mr. Fellman asked unanimous consent to be excused Tuesday, February 20. No objections. So ordered.

UNANIMOUS CONSENT–Public Hearing on LB 400

Mr. Anderson asked unanimous consent to have all or part of the Agriculture and Environment Committee hold a public hearing on LB 400 in Red Cloud.

Mr. Skarda objected.

REFERENCE COMMITTEE REPORT

LB	COMMITTEE
485	Miscellaneous Subjects
486	Miscellaneous Subjects
487	Judiciary
488	Public Works

(Signed) Terry Carpenter, Chairman
Executive Board

NOTICE OF COMMITTEE HEARINGS

Agriculture and Environment

LB 149	Cancelled Thursday, March 1, 1973	2:00 p.m.
LB 149	Reset Thursday, March 15, 1973	2:00 p.m.
LB 484	Thursday, March 15, 1973	2:00 p.m.

(Signed) Loran Schmit, Chairman

Miscellaneous Subjects

LB 134	Thursday, March 1, 1973	1:30 p.m.
LB 212	Thursday, March 1, 1973	1:30 p.m.
LB 325	Thursday, March 1, 1973	1:30 p.m.
LB 326	Thursday, March 8, 1973	1:30 p.m.
LB 327	Thursday, March 8, 1973	1:30 p.m.
LB 155	Thursday, March 15, 1973	1:30 p.m.
LB 288	Thursday, March 15, 1973	1:30 p.m.

(Signed) J. James Waldron, Chairman

STANDING COMMITTEE REPORTS

Constitutional Revision and Recreation

LEGISLATIVE BILL 138. Placed on General File as amended.
Standing Committee amendments to LB 138:

1. On page 3, line 4, strike "Such permits" and insert "All permits issued without the payment of any fees pursuant to this section"; after line 9 insert a new section 2 to read as follows:

"Sec. 2. That section 37-214.04, Revised Statutes Supplement, 1972, be amended to read as follows:

37-214. Any person who is at least seventy years old and a resident of this state shall be exempt from the payment of any fees provided by the laws of the State of Nebraska for the privilege of fishing or hunting in Nebraska, except that such exemption shall not extend to the privilege of commercial fishing or of hunting for deer, antelope, wild turkey, or any other species of fish and game on which the open season is limited to a restricted number of permits, or to special permits for a restricted area or game management unit. If disabled persons are unable by reason of physical infirmities to hunt and fish in the normal manner, the Game and Parks Commission may issue special permits without cost to those persons to hunt and fish from a vehicle, but such permit shall not authorize any person to shoot from any public highway. The Game and Parks Commission is authorized to promulgate rules and regulations necessary to carry out the provisions of this section.".

2. Renumber existing section 2 as section 3; and in line 10, strike "section" and insert "sections" and after "37-214.03" insert "37-214.04; and in line 11 strike "is" and insert "are".

(Signed) George Syas, Chairman

MOTION–Reconsider Action on LB 9

Mr. Proud renewed his pending motion found in the Journal on page 403 for the Twenty-seventh Day to reconsider action on LB 9 on Final Reading.

Mr. Carpenter moved the previous question. The question is, "Shall the debate now cease?" The motion prevailed with 31 ayes, 7 nays and 11 not voting.

Mr. Stromer requested a record vote on the Proud motion.

Mr. Stromer moved for a Call of the House on the motion to reconsider. The motion prevailed with 23 ayes, 16 nays and 10 not voting.

The Call showed 42 members present.

Mr. R. Lewis moved the Call be raised. The motion prevailed with 28 ayes, 12 nays and 9 not voting.

Mr. Carpenter requested a Roll Call vote.

Mr. Barnett asked unanimous consent that the Clerk read the names starting from the bottom of the roll call. No objections. So ordered.

Voting in the affirmative, 26:

Anderson Barnett Carpenter Cavanaugh Clark
DeCamp Dickinson Duis Fellman Fowler
Goodrich Hasebroock Kelly F. Lewis Luedtke
Mahoney Marsh Marvel Moylan Proud
Richendifer Skarda Snyder Stromer Stull
Waldron

Voting in the negative, 16:

Chambers Kennedy Keyes Kime Kremer
R. Lewis Maresh Murphy Rasmussen Schmit
Simpson Stahmer Syas Warner Whitney
Wiltse

Not voting, 7:

Burbach C. Carsten F. Carstens Epke Johnson
Nore Savage

The motion to reconsider lost with 26 ayes, 16 nays and 7 not voting.

VISITORS

President Marsh introduced 6 Third, Fourth and Fifth grade students from Randolph Elementary School, Lincoln and Mr. William Schernika, teacher.

President Marsh introduced 8 Girl Scouts from Troop 139, South Sioux City and Dakota City, 2 adults and Mrs. Robert Yusten, leader.

ADJOURNMENT

At 11:51 a.m., on a motion by Mr. Carpenter, the Legislature adjourned until 9:00 a.m. Tuesday, February 20, 1973.

Vincent D. Brown
Clerk of the Legislature

THIRTY-THIRD DAY—FEBRUARY 20, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

THIRTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 20, 1973

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Proud presiding.

PRAYER

Prayer was offered by the Chaplain.

> Creator God of the whole family of man; Father in Heaven of every family on earth; help us to understand that here in this house we are also one family.
>
> We know that we cannot always be of one mind on the diverse issues which await our decision here, for we are—Republican and Democrat, Conservative and liberal, rural and urban, male and female, Catholic and Protestant, Veteran and novice, white and black. . . .nevertheless, one house, one family—its members standing side by side, each head bowed before one God, together asking that the common good rather than our individual preferences may guide us in all that we do here. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Burbach, C. Carsten, Epke, Fellman, F. Lewis and Johnson who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-second Day was approved.

COMMUNICATION

February 14, 1973

Mr. Vincent D. Brown
Clerk of the Legislature
State of Nebraska

State Capitol
Lincoln, Nebraska

Dear Mr. Brown:

Thank you for providing me with a copy of Legislative Resolution 12, declaring the concern of the Nebraska Legislature over P. L. 874 and P. L. 815 funding levels for Federally-impacted school districts to my attention.

Senator Hruska and I have been in contact with the Federal agency and also with the Senate Appropriations subcommittee handling this matter. I note you have sent copies of the resolution to the President and heads of two executive departments involved. I assure you I will do everything possible to secure funding at the level of full entitlement provided by law for the affected Nebraska school districts.

With very best regards, I am

Sincerely yours,

(Signed) CARL T. CURTIS, USS

CTC:smf

ATTORNEY GENERAL OPINION

February 19, 1973

Senator Terry Carpenter
State Legislature
State House
Lincoln, Nebraska 68509

Dear Senator Carpenter:

Your letter points out that the Legislature has for some time required additional office space in the state capitol building so that it can properly carry on its functions; that the State is already paying a substantial amount for office rental outside this building, and that unless an office building is built a great deal more money will have to be paid out for rental of space, with nothing to show for its except a stack of rent receipts. You also point out that L. B. 447 was introduced with the hope that a building could be started soon to meet the problem of office space for the Legislature and for state government generally. You then state:

> "Since that bill was introduced, a suggestion was made that a different approach could be used more effectively. That suggestion was that the Legislature build the building. In that way, we could proceed with construction at a pace, and in a manner, most acceptable to the representatives of the people of

> this state, and not have to rely on someone else to get the job done."

Your principal question is whether the Legislature can itself build such a building or whether it must rely on the executive branch to carry forward this project.

Except as limited by the Constitution, the Legislature has broad powers. The only Constitutional provision we find which could conceivably be applied to this particular situation as the basis for a claim that the Legislature did not have the power to build a building is Article II of the Nebraska Constitution which provides for the separation of powers. The claim would be that the building of a building is purely executive function which could not be performed by the legislative branch. But, in this connection, it has been said that: "Although the performance of administrative duties is characteristically the function of the executive branch, administrative duties are frequently required to be performed in order to give full operation to, and to make effective the respective powers of, the legislative and judicial as well as the executive department." (16 Am. Jur. 2d 459)

Here we have a situation where the Legislature feels that it needs additional space, and in order to achieve this objective it proposes to build an office building which will take care of the space needs of the Legislature and of state government. Even if this were held to be a non-legislative function, we think that the building of a building comes within the principle that the Legislature may properly engage in the discharge of such functions to the extent that their performance is reasonably incidental to the full and effective exercise of its legislative powers. (Spartanburg County v. Miller, 132 S. E. 673) And, as stated by our Court in the case of State v. Neble, 82 Neb. 267, with reference to the doctrine of the separation of powers:

> "Thus, it often becomes necessary to the full and proper discharge of the duties imposed upon an official belonging to one class to perform an act the function of which, strictly speaking, belongs to another. The performance of such duties being, to some degree at least, essential to the full discharge of the duties imposed and properly within the power of the actor, the power conferred must be held to be valied; otherwise a condition of chaos would arise. We therefore conclude, as all have done, that the constitution must receive a liberal and general, rather than a strict, construction and application, and that every case must stand or fall relying upon its own merits. In theory the constituion is accepted as stating the one inflexible and unbending rule; yet in practice it is found impossible to obey its every mandate."

The building of a building for the purpose of providing adequate space for the Legislature and state government involves only two functions: the preparation of plans and specifications, and the letting of a contract. These are functions which the Legislature itself carries out every day in order to take care of its needs. If the Legislature needs office equipment or supplies of any kind in order to properly carry out its function, it prepares plans and specifications, and then lets a contract for them. We see no reason why it cannot also carry on these two functions with respect to a building which it needs for its purposes.

You also ask for suggestions on possible procedure. The Legislature would have broad authority in this area. It would be necessary to select some permanent officer, employee, or Committee of the Legislature to carry forward the project. Neither the Legislature nor the Legislative Council is in continuous existence, so it would be necessary to select a person or committee which is in continuous existence so that it could prepare the plans and specifications and sign the contract at any time. The Legislature could, of course, lay down such conditions for approval of the plans, specifications, and contract as it saw fit to impose.

Very truly yours,

(Signed) Clarence A. H. Meyer
Attorney General

CAHM:dnj
cc: Vincent D. Brown
Clerk of the Legislature

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 165. Replaced on Select File.
E & R amendments to LB 165:

1. On page 16, line 9, strike "8-412." and insert "8-411.".
2. On page 17, line 1, strike "8-413." and insert "8-412."; and in line 19, strike the comma.
3. On page 18, line 5, strike "8-414." and insert "8-413.".
4. In new section 19, line 1, insert "8-414." before "The".
5. In new section 20, line 1, insert "8-415." before "Any".

LEGISLATIVE BILL 166. Replaced on Select File.
E & R amendments to LB 166:

1. In standing committee amendment 4, lines 6 and 7, strike "with the approval of the Department of Banking".
2. In standing committee amendment 8, line 9, strike "of".
3. On page 15, line 9, strike the comma.

LEGISLATIVE BILL 71. Placed on Select File.
E & R amendment to LB 71:

1. In the title, line 2, strike "of the metropolitan class"; strike line 3 and insert "to grant the governing body of any city"; and in lines 6 and 7, strike "a city of the metropolitan class" and insert "such city".

LEGISLATIVE BILL 178. Placed on Select File.
E & R amendments to LB 178:

1. On page 3, line 9, strike "broadmares" and insert "a broodmare".
2. In lieu of the Simpson amendment 2, renumber renumbered section 2 as section 3.
3. In the title, line 5, strike "or registered"; and at the end of line 5, insert "to define a term; to make certain acts unlawful; to provide penalties;".

LEGISLATIVE BILL 176. Placed on Select File.
E & R amendments to LB 176:

1. On page 2, strike lines 2 and 3 as amended and insert: "shall, without the payment of any fee, issue license plates for one motor vehicle with a carrying capacity of ten passengers or less and not for hire, which plates shall carry the internationally accepted wheelchair symbol, which symbol is a "; and in lines 8 and 9 strike "plate" and insert "plates".
2. In the title, line 2, strike "free"; and in line 3 insert "without payment of any fee" after "paraplegics".

LEGISLATIVE BILL 14A. Placed on Select File.

Correctly Engrossed

The following bills were correctly engrossed: 20, 30, 51, 201 and 252.

Correctly Enrolled

The following bills were correctly enrolled: 57, 58, 59 and 291.

(Signed) John J. Cavanaugh, Chairman

SPEAKER SIGNS

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 57, 58, 59 and 291.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 24.

A BILL FOR AN ACT to amend section 17-807, Reissue Revised Statutes of Nebraska, 1943, and sections 16-325, 16-502, and 18-301, Revised Statutes Supplement, 1972, relating to cities and villages; to harmonize provisions which exempt officers and members of appointed boards and commissions from conflicts of interest in contracts up to ten thousand dollars; and to repeal the original sections.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Anderson	Barnett	F. Carstens	Cavanaugh	DeCamp
Dickinson	Duis	Fowler	Goodrich	Hasebroock
Kelly	Kennedy	Keyes	Kime	Kremer
Luedtke	Mahoney	Maresh	Marsh	Marvel
Moylan	Murphy	Nore	Proud	Rasmussen
Richendifer	Savage	Simpson	Skarda	Snyder
Stahmer	Stromer	Stull	Syas	Waldron
Warner	Whitney	Wiltse		

Voting in the negative, 0.

Not voting, 11:

Burbach	Carpenter	C. Carsten	Chambers	Clark
Epke	Fellman	Johnson	F. Lewis	R. Lewis
Schmit				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 107. With Emergency.

A BILL FOR AN ACT to amend section 2-3223, Reissue Revised Statutes of Nebraska, 1943, relating to natural resources districts; to eliminate the requirement that audits be performed by certified public accountants; to repeal the original section; and to declare an emergency.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Anderson	Barnett	F. Carstens	Cavanaugh	Chambers
Clark	Dickinson	Duis	Fowler	Goodrich
Hasebroock	Kelly	Kennedy	Keyes	Kremer
R. Lewis	Luedtke	Mahoney	Maresh	Marsh
Marvel	Moylan	Murphy	Proud	Rasmussen
Richendifer	Savage	Simpson	Skarda	Snyder
Stahmer	Stromer	Stull	Syas	Waldron
Warner	Whitney	Wiltse		

Voting in the negative, 1:

Nore

Not voting, 10:

Burbach	Carpenter	C. Carsten	DeCamp	Epke
Fellman	Johnson	Kime	F. Lewis	Schmit

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 133.

A BILL FOR AN ACT to repeal section 54-1167, Reissue Revised Statutes of Nebraska, 1943, relating to livestock auction markets.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Anderson	Barnett	F. Carstens	Cavanaugh	Chambers
Clark	DeCamp	Dickinson	Duis	Fowler
Goodrich	Hasebroock	Kelly	Kennedy	Keyes
Kime	Kremer	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Moylan	Murphy
Nore	Proud	Rasmussen	Richendifer	Savage
Simpson	Skarda	Snyder	Stahmer	Stromer
Stull	Syas	Waldron	Warner	Whitney
Wiltse				

Voting in the negative, 0.

Not voting, 8:

Burbach Carpenter C. Carsten Epke Fellman
Johnson F. Lewis Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 188. With Emergency.

A BILL FOR AN ACT to amend sections 2-1506.06 and 2-1547, Reissue Revised Statutes of Nebraska, 1943, relating to soil and water conservation; to abolish the Floodway Obstruction Removal Fund; to clarify provisions for the Nebraska Soil and Water Conservation Fund; to provide for sales as prescribed; to repeal the original sections and also section 2-1506.11, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Anderson Barnett Carpenter F. Carstens Cavanaugh
Chambers DeCamp Dickinson Duis Fowler
Goodrich Hasebroock Kelly Kennedy Keyes
Kime Kremer R. Lewis Luedtke Mahoney
Maresh Marsh Moylan Murphy Proud
Rasmussen Richendifer Savage Schmit Simpson
Skarda Snyder Stahmer Stromer Stull
Syas Waldron Warner Whitney Wiltse

Voting in the negative, 0.

Not voting, 9:

Burbach C. Carsten Clark Epke Fellman
Johnson F. Lewis Marvel Nore

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 191.

A BILL FOR AN ACT to amend section 26-173.01, Revised Statutes Supplement, 1972, relating to municipal courts; to provide for expenses of employees of the State of Nebraska or of political subdivisions when called as a witness as prescribed; and to repeal the original section.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Anderson
Barnett
Carpenter
F. Carstens
Cavanaugh
Chambers
Clark
DeCamp
Dickinson
Duis
Fowler
Goodrich
Hasebroock
Kelly
Kennedy
Keyes
Kremer
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Nore
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 7:

Burbach
C. Carsten
Epke
Fellman
Johnson
Kime
F. Lewis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 192.

A BILL FOR AN ACT to amend section 48-182, Revised Statutes Supplement, 1972, relating to the Nebraska Workmen's Compensation Court; to harmonize with other legislation; and to repeal the original section.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Anderson
Barnett
Carpenter
F. Carstens
Cavanaugh
Chambers
Clark
DeCamp
Dickinson
Duis
Fowler
Goodrich
Hasebroock
Kelly
Kennedy
Keyes
Kime
Kremer
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan

Murphy
Nore
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 6:

Burbach
C. Carsten
Epke
Fellman
Johnson
F. Lewis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION—Film Hearing on LR 9

Mr. Simpson moved that cable TV not be allowed to film the hearing on LR 9, Thursday afternoon, February 22, 1973 in the Chambers.

Mr. Carpenter requested a record vote.

Voting in the affirmative, 7:

Barnett
Kime
Kremer
Luedtke
Simpson
Snyder
Waldron

Voting in the negative, 28:

Anderson
Carpenter
F. Carstens
Cavanaugh
Chambers
DeCamp
Dickinson
Fowler
Goodrich
Hasebroock
Kelly
R. Lewis
Mahoney
Maresh
Marvel
Moylan
Murphy
Nore
Proud
Rasmussen
Savage
Skarda
Stahmer
Stromer
Stull
Syas
Warner
Wiltse

Not voting, 14:

Burbach
C. Carsten
Clark
Duis
Epke
Fellman
Johnson
Kennedy
Keyes
F. Lewis
Marsh
Richendifer
Schmit
Whitney

The motion lost with 7 ayes, 28 nays and 14 not voting.

UNANIMOUS CONSENT—Return LB 12 from the Governor

Mr. Carpenter asked unanimous consent that we request the Governor to return LB 12 to the Legislature for further consideration.

Mr. Goodrich objected.

Mr. Carpenter moved we request the Governor to return LB 12 to the Legislature for further consideration. The motion prevailed with 26 ayes, 5 nays and 18 not voting.

INVITATION

The Nebraska Well Drillers Association invited the members to attend their annual Dutch Lunch at 6:30 p.m., Thursday, February 22 at the Cornhusker.

MOTION–Rule Change

Amend Rule 5, Sec. 6 (a), (b) & (c) to read as follows:

(a) A copy of every bill introduced shall be transmitted by the Clerk of the Legislative Fiscal Analyst. The Legislative Fiscal Analyst shall review each bill and make an estimate of the anticipated change in state, county or municipal expenditures or revenue under the provisions of the bill. The Legislative Fiscal Analyst shall prepare a statement to be known as a fiscal note to be attached to each bill prior to its public hearing by a committee, or its first consideration on General File if the bill is referred directly to General File. The fiscal note shall set forth the fiscal impact of the bill and the governmental subdivision affected by the fiscal impact as determined by the Legislative Fiscal Analyst. No bill which has a fiscal impact of more than five thousand dollars shall be heard by a committee or considered on General File unless the fiscal note is attached.

(b) In determining the fiscal impact of any bill, the Legislative Fiscal Analyst shall request the appropriate department or other entity of state government or subdivision thereof, or appropriate association which will be affected by the bill to prepare the fiscal note within five calendar days.

(c) The Legislative Fiscal Analyst shall review the fiscal note so prepared ~~by the department or other entity~~ and shall also request a review of such fiscal note by the Budget Division of the Department of Administrative Services. The statement by the Budget Division of the Department of Administrative Services shall be attached to and become a part of the fiscal note. The Legislative Fiscal Analyst shall include in the fiscal note any exceptions to the conclusions of the department or other entity and of the Budget Division of the Department of Administrative Services.

Referred to the Rules Committee.

UNANIMOUS CONSENT–Change of Hearing Room

Mr. Waldron asked unanimous consent that the Miscellaneous Subjects Committee use the East Chamber on Thursday, February 22. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 37. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 37A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 103. E & R amendments found in the journal on page 475 for the Thirty-second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 285. E & R amendment found in the Journal on page 475 for the Thirty-second Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 240. E & R amendments found in the Journal on page 475 for the Thirty-second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 214. E & R amendment found in the Journal on page 476 for the Thirty-second Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 116. E & R amendments found in the Journal on page 476 for the Thirty-second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 126. E & R amendments found in the Journal on page 476 for the Thirty-second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 159. Advanced to E & R for Engrossment.

MOTION—Reconsider Action on LB 12

Mr. Carpenter moved to reconsider action on Final Reading on LB 12.

Mr. Carpenter moved for a Call of the House. The motion prevailed with 27 ayes, 0 nays and 22 not voting.

The Call showed 37 members present.

Mr. Goodrich moved the Call be raised. The motion prevailed with 32 ayes, 0 nays and 17 not voting.

The Carpenter motion to reconsider LB 12 prevailed with 26 ayes, 2 nays and 21 not voting.

MOTION–Return LB 12 to Select File

Mr. Carpenter moved to return LB 12 to Select File for consideration of the following specific amendments:

1. On page 2, line 15, strike "the following officers" and show as stricken; in line 16 strike "and none other:" and show as stricken and strike "The Mayor and"; in line 24 strike "mayor and"; in lines 25 to 27 strike the new matter.
2. On page 3, line 10 strike "1973" and insert "1977" and strike "the mayor shall"; in line 11 strike "be elected for a term of four years,".
3. On page 12, line 18 strike "and"; after "14-216" insert "and 14-217".

The motion prevailed with 27 ayes, 1 nay and 21 not voting.

SELECT FILE

LEGISLATIVE BILL 12. The Carpenter specific amendments found in Today's Journal were adopted with 26 ayes, 1 nay and 22 not voting.

Advanced to E & R for Re-engrossment.

STANDING COMMITTEE REPORTS
Nebraska Retirement Systems

LEGISLATIVE BILL 215. Placed on General File as amended.
Standing Committee amendment to LB 215:

1. On page 2, strike beginning with "It" on line 4 through line 14 and above all old matter is stricken; and at the end of line 14 insert "An annual audit of the affairs of the system shall be conducted. At the option of the governing board of the system, such audit may be conducted by a certified public accountant or the Auditor of Public Accounts. The costs of such audit shall be paid from funds of the system. A copy of such audit shall be filed with the Auditor of Public Accounts."

(Signed) Ramey C. Whitney, Chairman

Public Works

LEGISLATIVE BILL 177. Indefinitely postponed.

LEGISLATIVE BILL 199. Indefinitely postponed.

LEGISLATIVE BILL 186. Placed on General File as amended.

Standing Committee amendments to LB 186:

1. On page 12, line 18, strike "shall" and insert "may".

2. On page 13, lines 10 to 13 strike all new material; and in line 16 after "days" insert "or such reasonable time as may be determined by the director".

LEGISLATIVE BILL 206. Placed on General File as amended.
Standing Committee amendments to LB 206:

1. On page 13 after line 25 insert a new section 7 as follows:

"Sec. 7. That section 2-3227, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3227. Each district ~~shall have the power and authority~~ ~~to~~ may invest any surplus money in the district treasury, including such money as may be in any sinking fund established for the purpose of providing for the payment of the principal or interest of any contract, or bond, or other indebtedness or for any other purpose, not required for the immediate needs of the district, in certificates of deposit of banks which are members of the Federal Deposit Insurance Corporation except that whenever the amount deposited exceeds the amount of insurance available thereon, the excess shall be secured in the same manner as for the deposit of public funds, in loan associations in the State of Nebraska to the extent that such accounts are insured by the Federal Savings and Loan Insurance Corporation, in its own bonds, or in treasury notes or bonds of the United States, or in bonds or debentures issued either singly or collectively by any of the twelve federal land banks, the twelve intermediate credit banks, or the thirteen banks for cooperatives under the supervision of the Farm Credit Administration. ~~Such investment~~ Investments in bonds or treasury notes may be made by direct purchase of any issue of such bonds or treasury notes, or part thereof, at the original sale of the same, or by the subsequent purchase of such bonds or treasury notes. Any bonds or treasury notes thus purchased and held may, from time to time, be sold and the proceeds reinvested in bonds or treasury notes as provided in this section. Sales of any bonds or treasury notes thus purchased and held shall, from time to time, be made in season so that the proceeds may be applied to the purposes for which the money with which the bonds or treasury notes were originally purchased was placed in the treasury of the district. The functions and duties authorized by this section shall be performed under such rules and regulations as shall be prescribed by the board.".

2. Renumber existing section 7 as section 8; in line 26 after "2-3217" insert "2-3227".

(Signed) Maurice A. Kremer, Chairman

MOTION—Formal Sessions

Mr. Carpenter moved that starting on March 5 we meet in formal session only Monday through Thursday.

The motion lost with 18 ayes, 18 nays and 13 not voting.

MOTION—Friday Sessions

Mr. Carpenter moved that no one be excused on Friday's except for sickness.

Mr. Waldron requested that this be referred to the Rules Committee.

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on February 20, 1973, at 10:15 a.m.: LB 57, LB 58, LB 59 and LB 291.

(Signed) Barbara Jackson, Enrolling Clerk

NOTICE OF COMMITTEE HEARING

Revenue

LB 434	Cancel Wednesday, February 28, 1973	2:00 p.m.
LB 434	Reset Tuesday, March 6, 1973	2:00 p.m.

(Signed) J. W. Burbach, Chairman

STANDING COMMITTEE REPORTS

Committee on Committees

February 20, 1973

The Committee on Committees desires to report favorably upon the appointments listed below which were submitted by Governor J. James Exon. The Committee suggests that the appointments be confirmed by the Legislative Body and suggests a record vote on each confirmation:

L. E. Donegan – Environmental Control Council

Committee Vote: For: (8) Senators Chambers, Duis, Snyder, Stahmer, Stromer, Stull, Whitney and Wiltse

Against: None

Absent and not voting: (5) Senators Barnett, Epke, Johnson, Luedtke and Nore

William R. Hunter – Environmental Control Council

Committee Vote: For: (8) Senators Chambers, Duis, Snyder, Stahmer, Stromer, Stull, Whitney and Wiltse

Against: None

Absent and not voting: (5) Senators Barnett, Epke, Johnson, Luedtke and Nore

Richard A. Veach – Environmental Control Council

Committee Vote: For: (8) Senators Chambers, Duis, Snyder, Stahmer, Stromer, Stull, Whitney and Wiltse

Against: None

Absent and not voting: (5) Senators Barnett, Epke, Johnson, Luedtke and Nore

Dr. Harold G. Wieseman – State Board of Health

Committee Vote: (8) Senators Chambers, Duis, Snyder, Stahmer, Stromer, Stull, Whitney and Wiltse

Against: None

Absent and not voting: (5) Senators Barnett, Epke, Johnson, Luedtke and Nore

Dr. James H. Walston – Environmental Control Council

Committee Vote: For: (8) Senators Chambers, Duis, Snyder, Stahmer, Stromer, Stull, Whitney and Wiltse

Against: None

Absent and not voting: (5) Senators Barnett, Epke, Johnson, Luedtke and Nore

Dr. Anthony J. Catana, Jr. – Environmental Control Council

Committee Vote: For: (8) Senators Chambers, Duis, Snyder, Stahmer, Stromer, Stull, Whitney and Wiltse

Against: None

Absent and not voting: (5) Senators Barnett, Epke, Johnson, Luedtke and Nore

A. B. Pittman, D.V.M. – State Board of Health

Committee Vote: For: (8) Senators Chambers, Duis, Snyder, Stahmer, Stromer, Stull, Whitney and Wiltse

Against: None

Absent and not voting: (5) Senators Barnett, Epke, Johnson, Luedtke and Nore

Jack James, O.D. – State Board of Health

Committee Vote: For: (8) Senators Chambers, Duis, Snyder, Stahmer, Stromer, Stull, Whitney and Wiltse

Against: None

Absent and not voting: (5) Senators Barnett, Epke, Johnson, Luedtke and Nore

W. James Wells, Jr. – State Board of Health

Committee Vote: For: (8) Senators Chambers, Duis, Snyder, Stahmer, Stromer, Stull, Whitney and Wiltse

Against: None

Absent and not voting: (5) Senators Barnett, Epke, Johnson, Luedtke and Nore

(Signed) Ramey C. Whitney, Chairman

MOTION–Withdraw LB 473

Mr. Rasmussen renewed his pending motion found in the Journal on page 466 for the Thirty-first day to withdraw LB 473 and cancel the hearing on March 1.

The motion prevailed with 28 ayes, 0 nays and 21 not voting.

MOTIONS–Introduce Bills

Mr. Kremer moved the introduction of a new bill by the committee on Public Works (Request No. 222). The motion prevailed with 30 ayes, 0 nays and 19 not voting.

Mr. Kremer moved the introduction of a new bill by the committee on Public Works (Request No. 646). The motion prevailed with 30 ayes, 0 nays and 19 not voting.

Mr. Kremer moved the introduction of a new bill by the committee on Public Works (Request No. 647). The motion prevailed with 31 ayes, 0 nays and 18 not voting.

Mr. Whitney moved the introduction of a new bill by the committee on Nebraska Retirement Systems (Request No. 391). The motion prevailed with 30 ayes, 0 nays and 19 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 489. By Public Works Committee: Kremer, 34th District, Chairman; Hasebroock, 18th District; Wiltse, 1st District; Moylan, 6th District; Stromer, 36th District; Goodrich, 20th District; Warner, 25th District; R. Lewis, 38th District.

A BILL FOR AN ACT to amend section 60-305.03, Reissue Revised Statutes of Nebraska, 1943, relating to nonresident owners of trucks and buses; to provide that the Department of Roads shall act as agent for the Department of Motor Vehicles in collecting fees as prescribed; and to repeal the original section.

LEGISLATIVE BILL 490. By Public Works Committee: Kremer, 34th District, Chairman; Hasebroock, 18th District; Wiltse, 1st District; Moylan, 6th District; Stromer, 36th District; Goodrich, 20th District; Warner, 25th District; R. Lewis, 38th District.

A BILL FOR AN ACT to amend sections 39-1320.09 and 39-1320.10, Revised Statutes Supplement, 1972, relating to highways; to prohibit advertising signs as prescribed; to provide for annual permits, fees and exceptions; to clarify size of sale bills; to extend criminal penalties; to provide for injunctive relief; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 491. By Public Works Committee: Kremer, 34th District, Chairman; Hasebroock, 18th District; Wiltse, 1st District; Moylan, 6th District; Stromer, 36th District; Goodrich, 20th District; Warner, 25th District; R. Lewis, 38th District.

A BILL FOR AN ACT to amend section 39-723.05, Reissue Revised Statutes of Nebraska, 1943, and sections 39-719, 39-720, 39-723.06, and 39-723.07, Revised Statutes Supplement, 1972, relating to highways; to revise the special permit requirements as prescribed; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 492. By Nebraska Retirement Systems Committee: Whitney, 44th District, Chairman; Goodrich, 20th District; Luedtke, 28th District; Hasebroock, 18th District.

A BILL FOR AN ACT to amend section 84-1307, Reissue Revised Statutes of Nebraska, 1943, relating to retirement; to provide a class of employees who shall not be part of the system; and to repeal the original section.

UNANIMOUS CONSENT—Print in Journal

Mr. Whitney asked unanimous consent to have the following report printed in the Journal. No objections. So ordered.

February 19, 1973

To The Members Of The
Nebraska Retirement Systems Committee:

Supplementary Report on the Financial Condition of the Major State Retirement Systems

The purpose of this report is to provide the 1973 session of the Legislature with the most recent financial condition of the major state retirement systems. The previous report of the financial condition of these systems was presented in a report dated January 12, 1972 and in supplementary reports dated January 31, 1972 and February 25, 1972 from the actuaries to the committee.

A. Unfunded Liabilities

Unfunded liabilities represent the present value of future benefits to be paid out under a retirement system for service which has already been rendered less the accumulated value of the retirement fund which has been built up to offset these liabilities. To the extent that the accumulated fund is less than the value of the benefits already accrued, the retirement system is in debt and this debt is termed the unfunded liability.

The most recent previously reported figures supplied to the committee are those contained in the January 12, 1972 and February 25, 1972 reports to the committee. They are as follows:

System	Calculation Date	Unfunded Liability
State Colleges	6-30-70	-0-
University of Nebraska	6-30-70	7,074,417.00
State Employees Retirement System	12-31-71	252,277.00
School Employees Retirement System	12-31-70	15,933,568.00
Judges Retirement System	6-30-70	1,229,946.00
State Patrol Retirement System	6-30-70	5,440,310.00
TOTAL		$29,930,518.00

The following are the most recent figures available:

System	Calculation Date	Unfunded Liability
State Colleges	6-30-72	-0-
University of Nebraska	6-30-72	6,195,331.00
State Employees Retirement System	12-31-72	-0-
School Employees Retirement System	6-30-72	7,573,380.00
Judges Retirement System	6-30-72	1,297,638.00
State Patrol Retirement System	6-30-70	5,359,540.00
TOTAL		$20,425,889.00

The following are some comments on the above figures:

State Colleges

The State Colleges Retirement System has never had any unfunded liability.

University of Nebraska

This unfunded liability arises from the old retirement system in effect for service prior to 1961 at the University of Nebraska-Lincoln. No unfunded liability is in existence for the system at the University of Nebraska at Omaha. This liability is not being amo rtized and benefits are being paid directly from current revenues with no prefunding. The primary factor in the $879,086 decrease in the unfunded liability between June 30, 1970 and June 30, 1972 was the increase in the valuation interest rate for the active life portion of the valuation from 4½% to 5%. More details on this unfunded liability are contained in a report to the committee dated August 21, 1972.

State Employees Retirement System

The most recent valuation performed by Bankers Life Nebraska as of December 31, 1972 shows that the State Employees Retirement System was fully funded as of December 31, 1972. This was slightly earlier than the previously estimated date in early 1973 because of an unusually high level or recaptures of non-vested employee terminations during 1972. The attainment of full funding makes it imperative that the 1973 Legislature take action to direct the disposition of non-vested employee terminations.

School Employees Retirement System

This unfunded liability showed a dramatic decrease of $8,360,188 or 52.5% between December 31, 1970 and June 30, 1972. This rather incredible improvement in the unfunded liability arises from two sources:

1. The primary factor is the elimination of incorrect records being maintained in the manual filing system which were discovered upon the conversion to a partially automated system. The number of excess records being maintained was substantially greater than anyone had anticipated.

2. A secondary factor is a significant improvement in investment performance from the poor results experienced in 1969-1971 when the fund was heavily invested in equities. The previous unfunded liability as of December 31, 1970 had been inflated on this account.

State law required full funding of this liability by January 1, 1994. More details on this unfunded liability are contained in a report made to the Public Employees Retirement Board by their consulting actuary.

Judges Retirement System

This unfunded liability showed a very slight increase of $67,692 between June 30, 1970 and June 30, 1972. This increase is the result of two major changes in the system since June 30, 1970 which worked in opposite directions and largely offset each other:

1. The June 30, 1970 valuation incorrectly ignored matching contributions by counties and municipalities for county and municipal judges. This factor decreases the unfunded liability to the state.

2. The consulting actuary to the Public Employees Retirement Board has supplied revised estimates based on the impact of the court reform bill (LB 1032) enacted in 1972. Thus, although LB 1032 did not become effective until January 4, 1973 and the actuarial valuation was performed as of June 30, 1972, the effect of LB 1032 has been taken into account. This factor increases the unfunded liability to the state.

State law requires full funding of this liability by January 1, 1994. More details on this unfunded liability are contained in a report made to the Public Employees Retirement Board by their consulting actuary.

State Patrol Retirement System

This unfunded liability showed an expected slight decrease of $80,770 between June 30, 1970 and June 30, 1972. State law requires full funding of this liability by January 1, 1994. More details on this unfunded liability are contained in a report made to the Public Employees Retirement Board by their consulting actuary.

B. Indicated Cost to the State for 1973-1974

State Colleges

The state matches employee contributions.

University of Nebraska

The state matches employee contributions. In addition retirement benefits under the old retirement system at the University of Nebraska-Lincoln are paid direct from current revenues with no-prefunding. This annual cost based on June 30, 1972 data is $336,555.

State Employees Retirement System

The state pays 104% of employee contributions. This amount may be partially offset by recovery of non-vested employee terminations now that past service is fully funded, depending upon legislative action in 1973.

School Employees Retirement System

The recommended state contribution for 1973-1974 is $2,124,516 which is a substantial reduction from the recommendation for 1972-1973 of $2,979,917. This dramatic improvement is the result of the same factors discussed above in Section A of this report.

Judges Retirement System

The recommended state contribution for 1973-1974 is $161,902 which is a substantial increase from the recommendation for 1972-1973 of $102,008. This increase is entirely due to the impact of the court reform bill (LB 1032).

State Patrol Retirement System

The recommended state contribution for 1973-1974 is $430,066 which is a slight increase from the recommendation for 1972-1973 of $413,306. In addition, the state matches employee contributions.

Summary

The supplemental contributions for the school employees, judges and state patrol for 1973-1974 total $2,716,484. The Governor's budget has requested only $2,570,017, apparently in error. It is anticipated that the full $2,716,484 will be included in the final budget bill. It should be noted that this figure represents a reduction from the $3,285,017 appropriated for 1972-1973.

Respectfully submitted,
G. V. STENNES AND ASSOCIATES
By: Stephen G. Kellison, F.S.A.

MR. WHITNEY PRESIDING

GENERAL FILE

LEGISLATIVE BILL 201A. Bracketed until Thursday, February 22, 1973 at the request of Mr. Kime.

LEGISLATIVE BILL 184. Title read. Considered.

Standing Committee amendments found in the Journal on page 405 for the Twenty-seventh Day were adopted.

Mr. Luedtke offered the following amendment which was adopted:

1. On page 7, line 8, strike "domestic".

Mr. Stull offered the following amendments:

1. On page 2, strike the new matter in lines 14 to 16.
2. On page 3, reinstate the stricken matter in line 6.

The Stull amendment lost with 14 ayes, 18 nays and 17 not voting.

Mr. DeCamp moved to indefinitely postpone. Motion pending.

NOTICE OF COMMITTEE HEARING
Appropriations

LB 257	Thursday, March 1, 1973	2:00 p.m.
LB 258	Thursday, March 1, 1973	2:00 p.m.
LB 280	Thursday, March 1, 1973	2:00 p.m.
LB 281	Thursday, March 1, 1973	2:00 p.m.
LB 439	Thursday, March 1, 1973	2:00 p.m.
LB 282	Friday, March 2, 1973	2:00 p.m.
LB 303	Friday, March 2, 1973	2:00 p.m.
LB 385	Friday, March 2, 1973	2:00 p.m.
LB 431	Friday, March 2, 1973	2:00 p.m.
LB 452	Friday, March 2, 1973	2:00 p.m.
Committee Briefing on Capital Construction	Monday, March 5, 1973	1:30 p.m.
LB 256	Tuesday, March 6, 1973	1:30 p.m.
LB 256	Wednesday, March 7, 1973	1:30 p.m.
LB 256	Thursday, March 8, 1973	1:30 p.m.
LB 156	Thursday, March 8, 1973	2:00 p.m.

(Signed) Richard D. Marvel, Chairman

REFERENCE COMMITTEE REPORT

LB	Committee
489	Public Works
490	Public Works
491	Public Works
492	Nebraska Retirement Systems

(Signed) Terry Carpenter, Chairman

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 12. Replaced on Select File as amended.
E & R amendments to LB 12:

1. In lieu of the Carpenter amendment 3, on page 12, line 19, insert ", and also section 14-217, Reissue Revised Statutes of Nebraska, 1943" after "1943".

2. In the title, line 10, insert ", and also section 14-217, Reissue Revised Statutes of Nebraska, 1943" after "sections".

(Signed) John J. Cavanaugh, Chairman

STANDING COMMITTEE REPORT
Urban Affairs

LEGISLATIVE BILL 453. Placed on General File.

(Signed) Duke Snyder, Chairman

MESSAGE FROM THE GOVERNOR

February 20, 1973

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

May I courteously request once again your speedy approval of LR 11. This resolution of support for our No. 1 industry, agriculture, was introduced by Senator Rasmussen, in cooperation with this office and has not been given the priority consideration that it deserves. It has been debated on the floor, referred to committee, re-written and enjoyed wide approval at the public hearing.

The Legislature has previously rushed through resolutions supporting establishment of the National Rifle Association headquarters in Nebraska and the problems attendant with federal cuts in impacted school aid. In concurring completely with these resolutions I suggest you have not been as expeditious on LR 11. I respectfully urge your favorable action on LR 11 immediately.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

VISITORS

President Marsh introduced the International Flying Farmers on Friday, February 16.

Speaker Proud introduced 19 Eighth Grade students and their teacher, Mrs. Wauton, student teachers, Mrs. Socha, Mr. McCabe and Miss Shook from Mickle Jr. High, Lincoln.

ADJOURNMENT

At 11:50 a.m., on a motion by Mr. Richendifer, the Legislature adjourned until 9:00 a.m., Wednesday, February 21, 1973.

Vincent D. Brown
Clerk of the Legislature

THIRTY-FOURTH DAY—FEBRUARY 21, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

THIRTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 21, 1973

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Proud presiding.

PRAYER

Prayer was offered by the Chaplain.

> We acknowledge a creative and redemptive Power in events beyond our own;
> We seek forgiveness for whatever of our past that never should have been;
> We ask strength for whatever of the present is as it should be;
> We desire guidance toward those hopes for the future which conform to the Creator's design.
> O Lord our God: forgive us, strengthen us, guide us, for our own sake, and for the sake of the people we here represent. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Burbach, C. Carsten, Epke, Johnson and F. Lewis who were excused; Mr. Dickinson who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-third Day was approved.

MESSAGE FROM THE GOVERNOR

February 19, 1973

Mr. Vince Brown
Clerk of the Legislature
State House
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 117, 118, 119, 120, 124 and 137.

These bills were signed by me on February 19, 1973 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:do

MR. WHITNEY PRESIDING

ATTORNEY GENERAL'S OPINIONS

February 16, 1973

Senator Richard F. Proud
Nebraska State Legislature
State Capitol
Lincoln, Nebraska

Dear Senator Proud:

You have requested our opinion on two closely related issues. Our discussion of these issues follows.

1. You ask, where the Legislature's ratification of a proposed amendment to the Constitution of the United States has been certified to the Administrator of General Services, whether such purported ratification would be voided by the fact that in passing the resolution, the Legislature allegedly failed to follow procedures provided.

Both L. R. 83 and L. R. 86, Eighty-Second Legislature, Second Session (1972), purported to ratify the "Equal Rights Amendment" to the Constitution of the United States. You suggest that neither resolution was printed prior to the vote thereon, and the Legislative Journal does not suggest otherwise. We assume that, in fact, neither was printed.

Article III, Section 14, Constitution of Nebraska, provides:

> "Every bill and resolution shall be read by title when introduced, and a printed copy thereof provided for the use of each member, and the bill and all amendments thereto shall be

> printed and read at large before the vote is taken upon its final passage . . . ."

If our assumption is correct, that neither of the subject resolutions was printed, then Article III, Section 14, has not been complied with. Although we have found no Nebraska cases on the effect of such failure to print, there is authority, in other states, to suggest that constitutional printing requirements are mandatory, and that failure to comply therewith will render the bill or resolution void. See the dictum in Andrews v. People, 33 Colo. 193, 79 P. 1031, 108 Am. St. Rep. 76; and the discussion at 50 am. Jur., Statutes, Sections 77-78, pp. 91-92. The validity of either L. R. 83 and 86 is, therefore, doubtful, if neither was printed as required by Article III, Section 14, Constitution of Nebraska.

The Nebraska Legislative Journal, Eighty-Second Legislature, Section Session (1972), at pages 1568 and 1569 shows that the Nebraska Secretary of State reported that he had certified to the Administrator of General Services that L. R. 83 had passed, ratifying the proposed amendment to the Constitution of the United States. Further, although no such report from the Secretary of State is shown concerning L. R. 86, that resolution does direct the Secretary of State to so certify.

In Leser v. Garnett, 258 U. S. 130, 137, 66 L. Ed. 505, 511, the court stated:

> "The remaining contention is that the ratifying resolutions of Tennessee and of West Virginia are inoperative, because adopted in violation of the rules of legislative procedure prevailing in the respective states. The question raised may have been rendered immaterial by the fact that since the proclamation the legislatures of two other states – Connecticut and Vermont – have adopted resolutions of ratification. But a broader answer should be given to the contention. The proclamation by the Secretary certified that, from official documents on file in the Department of State, it appeared that the proposed Amendment was ratified by the legislatures of thirty-six states, and that it 'has become valid to all intents and purposes as a part of the Constitution of the United States.' As the legislatures of Tennessee and of West Virginia had power to adopt the resolutions of ratification, official notice to the Secretary, duly authenticated, that they had done so, was conclusive upon him, and being certified to by his proclamation, is conclusive upon the courts . . . ."

In Leser, a separate issue was whether a Legislature, in a state which permitted only males to vote, could ratify the Eighteenth Amendment, where the effect thereof would be to invalidate the provisions of the state constitution by giving women the right to vote. The Court stated, 258 U. S. at 137, 66 L. Ed., at 511:

> ". '. . But the function of a state legislature in ratifying a

> proposed Amendment to the Federal Constitution, like the function of Congress in proposing the Amendment, is a Federal function, derived from the Federal Constitution; and it transcends any limitations sought to be imposed by the people of a state. . . ."

In Chandler v. Wise, 307 U. S. 474, 83 L. Ed. 1407, 59 S. Ct. 992, the Kentucky Legislature adopted a resolution purporting to ratify the "Child Labor Amendment." A state court action was commenced to enjoin the Governor's certificate of the amendment, but before he was served, the Governor forwarded the certification to the Secretary of State of the United States. The Court held that, at this point, the matter was no longer a controversy susceptible of judicial determination, reversing the state's highest court, which had held both that it had jurisdiction, and that the purported ratification was not in conformity with the Federal Constitution and was void. The state court, incidentally, had held that once a constitutional amendment has been refused by the Legislature, it cannot later be ratified.

In Chandler the state court held that the ratification was void as a matter of federal constitutional law. The Supreme Court did not pass on the question of the validity of the ratification, holding that the courts had no jurisdiction to do so. In our opinion, where the alleged taint derives from provisions in the State Consitution, the courts would similarly be without jurisdiction.

Under 205 of the Revised Statutes of the United States (Comp. St., section 303), the Secretary of State performed functions comparable to those now performed by the Administrator of General Services. The Court, in United States ex rel. Widenmann v. Colby, 265 F. 998, error dismissed, 256 U. S. 619, 66 L. Ed. 400, 42 S. Ct. 169, considered a petition for mandamus to require the Secretary of State to cancel his proclamation and certificate that the Eighteenth Amendment had been ratified and was effective. The Court stated, Id., 265 F., at 999-1000:

> "It will be observed that by this section [205 of the Revised Statutes] it was the duty of the Acting Secretary of State, upon receiving official notice from three-fourths of the several states (Constitution, art. 5) that the proposed amendment had been adopted, to issue his proclamation. He was not required, or authorized, to investigate and determine whether or not the notices stated the truth. To accept them as doing so, if in due form, was his duty. As soon as he had received the notices from 36 of the states that the amendment had been adopted, he was obliged, under the statute, to put forth his proclamation. No discretion was lodged in him. The act required was purely ministerial. Now, there is no allegation in the petition of Widemann that the Acting Secretary of State did not receive official notice from the requisite number of states, nor does the

> petitioner in argument claim that he did not. In fact, as we understand it, he admits that he did. His insistence is that the officials of the several states should not have issued the notices; but, as we have said, the Acting Secretary had no authority to examine into that matter, to look behind the notices. From these considerations it follows that the Acting Secretary, instead of failing to perform a duty imposed upon him by statute, the performance of which should be coerced by mandamus, performed a duty enjoined upon him by statute in issuing the proclamation in question. . . ." (Bracketed phrase supplied.)

In summary of the above authorities, we are doubtful that alleged procedural defects, although constitutional in nature, can be raised either in the courts or before the Administrator of General Services, to challenge a certification of ratification. We know of no authority, either statutory or otherwise, which would indicate whether alleged procedural defects can be considered by Congress in its general supervision of the amendment process.

2. You also ask whether your L. R. 9, in the current session of the Legislature, must be printed before it is "placed on final passage." You suggest that the resolution is being treated as a bill. As such, Rule No. 6, section 6(c) of the Rules of the Nebraska Unicameral (1973), require that the bill be printed. We cannot advise you that such rule would not comply with relevant statutory and constitution nor that to follow a less restrictive procedure would necessarily be of such certain validity.

Yours very truly,

CLARENCE A. H. MEYER
Attorney General

(Signed) Calvin E. Robinson
Assistant Attorney General

CER:ejg

cc Mr. Vincent D. Brown
Clerk of the Legislature

February 20, 1973

Senator John W. DeCamp
Nebraska State Legislature
State House
Lincoln, Nebraska 68509

Dear Senator:

Your February 8 letter questions an opinion of this office to you on February 7 in which we concluded that it would be constitutionally improper to proceed by statute to legalize off-track betting in the manner proposed by the following paragraph from your February 6 letter:

> "I am wondering if, in designating in the law that I propose, I specifically set out that wagering parlors owned or leased by the race track are a part of the race track enclosure, even though said parlors may not be physically attached to the race track itself."

As we stated, it is our opinion that such a proposal would be invalid under that part of our Constitution which prohibits gambling, but then provides that, "Nothing in this section shall be construed to prohibit the enactment of laws providing for the licensing and regulation of wagering on the results of horse races by the pari-mutuel or certificate method, when conducted by licensees within the race track enclosure at licensed horse race meetings, * * *."

You state that it was your understanding that there was case law to the effect that such a definition was considered reasonable; that our February 7 opinion "has totally unanswered the question," which you restate as being: "Why and for what legal reason is my definition of 'within the enclosure' improper?"

I found no case law which would support your position in a Nebraska courtroom, and I also feel that our February 7 opinion did answer your question. In the case we cited in our earlier opinion, the Nebraska Court summed up the issue in this manner: "May a legislature, under the guise of defining a word, do so with a definition which contravenes our Constitution, and which is not true or legal in fact?" They answered the qeustion in the negative.

Our Constitution does not authorize betting "within the enclosure" as you quote the term in your letter. It only authorizes it "within the race track enclosure". The Legislature has itself recognized since passage of the constitutional amendment that betting can only take place at the track itself, and its interpretation is entitled to weight in court. At the very outset the Legislature provided that: "Within the enclosure of any race track where is held a race or race meeting licensed and conducted under sections 2-1201 to 2-1218, but not elsewhere, the pari-mutuel or certificate method or system of wagering on the results of the respective races may be used and conducted by the licensee in connection therewith."

We adhere to our February 7 opinion.

Very truly yours,

(Signed) Clarence A. H. Meyer
Attorney General

CAHM:dnj
cc: Vincent D. Brown
Clerk of the Legislature

NOTICE OF COMMITTEE HEARING

Miscellaneous Subjects

LB 485	Thursday, March 15, 1973	1:30 p.m.
LB 486	Thursday, March 15, 1973	1:30 p.m.

(Signed) J. James Waldron, Chairman

SELECT COMMITTEE REPORT

Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 24, 107, 133, 188, 191 and 192.

(Signed) John J. Cavanaugh, Chairman

UNANIMOUS CONSENT—Member Excused

Mr. Kennedy asked unanimous consent to be excused for the rest of the day until he returns this afternoon. No objections. So ordered.

EASE

The Legislature was at ease from 9:15 a.m. until 9:23 a.m.

UNANIMOUS CONSENT—Member Excused

Mr. Duis asked unanimous consent to be excused for a short time. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 70. With Emergency.

A BILL FOR AN ACT to amend section 75-303, Revised Statutes Supplement, 1972, as amended by section 1, Legislative Bill 54, Eighty-third Legislature, First Session, 1973, relating to motor carriers; to exempt motor carriers owned and operated by a transit authority from the provisions of sections 75-301 to 75-322.01 as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 37:

Anderson	Barnett	Carpenter	Cavanaugh	Chambers
Clark	DeCamp	Fellman	Fowler	Goodrich
Hasebroock	Kelly	Keyes	Kime	Kremer
R. Lewis	Luedtke	Mahoney	Maresh	Marsh
Marvel	Moylan	Murphy	Nore	Proud
Rasmussen	Richendifer	Savage	Skarda	Snyder
Stahmer	Stromer	Stull	Syas	Warner
Whitney	Wiltse			

Voting in the negative, 0.

Not voting, 12:

Burbach	C. Carsten	F. Carstens	Dickinson	Duis
Epke	Johnson	Kennedy	F. Lewis	Schmit
Simpson	Waldron			

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 32. Mr. Moylan moved to return LB 32 to Select File for consideration of the following specific amendment:

1. Strike the Moylan amendment adopted
February 9, 1973.

The motion prevailed with 40 ayes, 0 nays and 9 not voting.

LEGISLATIVE BILL 100.

A BILL FOR AN ACT to repeal section 83-125, Reissue Revised Statutes of Nebraska, 1943, relating to state institutions.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Anderson	Barnett	Carpenter	F. Carstens	Cavanaugh
Chambers	Clark	DeCamp	Fellman	Fowler
Goodrich	Hasebroock	Kelly	Keyes	Kime
Kremer	Luedtke	Mahoney	Maresh	Marsh
Marvel	Moylan	Proud	Rasmussen	Richendifer
Savage	Schmit	Simpson	Skarda	Snyder
Stahmer	Stromer	Stull	Syas	Waldron
Warner	Whitney	Wiltse		

Voting in the negative, 0.

Not voting, 11:

Burbach
C. Carsten
Dickinson
Duis
Epke
Johnson
Kennedy
F. Lewis
R. Lewis
Murphy
Nore

A constitution majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 115.

A BILL FOR AN ACT to amend section 71-180, Reissue Revised Statutes of Nebraska, 1943, relating to the practice of chiropractic; to require two years of college credit before admission to a college of chiropractic; to change the instruction requirement for accreditation; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Anderson
Barnett
Carpenter
F. Carstens
Cavanaugh
Chambers
Clark
DeCamp
Fellman
Fowler
Goodrich
Hasebroock
Kelly
Keyes
Kime
Kremer
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Nore
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 8:

Burbach
C. Carsten
Dickinson
Duis
Epke
Johnson
Kennedy
F. Lewis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 181.

A BILL FOR AN ACT to amend section 44-203, Revised Statutes Supplement, 1972, relating to insurance; to provide for transacting more than one kind of insurance by insurance companies; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Anderson
Barnett
Carpenter
Chambers
Clark
DeCamp
Duis
Fellman
Fowler
Goodrich
Hasebroock
Kelly
Keyes
Kremer
Luedtke
Mahoney
Maresh
Marsh
Moylan
Murphy
Nore
Richendifer
Savage
Schmit
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Whitney
Wiltse

Voting in the negative, 1:

Warner

Not voting, 14:

Burbach
C. Carsten
F. Carstens
Cavanaugh
Dickinson
Epke
Johnson
Kennedy
Kime
F. Lewis
R. Lewis
Marvel
Proud
Rasmussen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 245. With Emergency.

A BILL FOR AN ACT to amend sections 31-727, 31-728, 31-729, 31-739, 31-740, 31-744, and 31-749, Revised Statutes Supplement, 1972, relating to sanitary and improvement districts; to permit districts to install public waterways, docks or wharfs and related appurtenances and to construct or to contract for the construction of dikes and levees for flood protection; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 37:

Anderson Barnett F. Carstens Cavanaugh Chambers
Clark DeCamp Duis Fellman Fowler
Goodrich Hasebroock Kelly Keyes Kime
Kremer R. Lewis Luedtke Mahoney Maresh
Marsh Marvel Moylan Murphy Proud
Rasmussen Richendifer Savage Schmit Simpson
Skarda Snyder Stahmer Stull Warner
Whitney Wiltse

Voting in the negative, 2:

Carpenter Syas

Not voting, 10:

Burbach C. Carsten Dickinson Epke Johnson
Kennedy F. Lewis Nore Stromer Waldron

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 247. With Emergency.

A BILL FOR AN ACT to amend section 77-2350.01, Reissue Revised Statutes of Nebraska, 1943, relating to deposit of public funds; to except certificates of deposit from pro rate provisions; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 34:

Anderson Carpenter F. Carstens Cavanaugh Chambers
Clark DeCamp Duis Fellman Fowler
Goodrich Hasebroock Kelly Keyes Kime
Kremer R. Lewis Luedtke Mahoney Maresh
Marsh Moylan Proud Schmit Simpson
Skarda Snyder Stahmer Stromer Stull
Syas Warner Whitney Wiltse

Voting in the negative, 6:

Barnett Murphy Nore Rasmussen Richendifer
Savage

Not Voting, 9:

Burbach	C. Carsten	Dickinson	Epke	Johnson
Kennedy	F. Lewis	Marvel	Waldron	

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 249. Mr. Wiltse renewed his pending motion found in the Journal on page 482 for the Thirty-second Day to return LB 249 to Select File for a specific amendment, and substitute the following specific amendment for the one printed on that day.

In lieu of previous amendments thereto, on page 2, line (13) insert "not less than" after "of"; and insert "not more than five thousand dollars, as determined by the governing body" after "dollars".

Mr. Carpenter requested a record vote.

Voting in the affirmative, 13:

Anderson	F. Carstens	Kime	R. Lewis	Maresh
Murphy	Nore	Schmit	Snyder	Stahmer
Stull	Whitney	Wiltse		

Voting in the negative, 22:

Barnett	Carpenter	Cavanaugh	Chambers	Clark
Fowler	Goodrich	Hasebroock	Kelly	Keyes
Luedtke	Mahoney	Marsh	Marvel	Moylan
Rasmussen	Savage	Simpson	Skarda	Stromer
Syas	Warner			

Not voting, 14:

Burbach	C. Carsten	DeCamp	Dickinson	Duis
Epke	Fellman	Johnson	Kennedy	Kremer
F. Lewis	Proud	Richendifer	Waldron	

The motion lost with 13 ayes, 22 nays and 14 not voting.

Mr. Murphy moved to return LB 249 to Select File for consideration of the following specific amendments:

1. Page 2, Line 9, Strike "Fireman", Insert "Fire and Rescue Personel".
2. Strike "A fireman", Insert "such Person".

The motion prevailed with 34 ayes, 0 nays and 15 not voting.

UNANIMOUS CONSENT—Member Excused

Mr. DeCamp asked unanimous consent to be excused the remainder of the day. No objections. So ordered.

MOTIONS—Introduce Bills

Mr. Kremer moved the introduction of a new bill by the Committee on Public Works (Request No. 732).

Mr. Keyes moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays and 31 not voting.

The Call showed 34 members present.

Mr. Keyes moved the Call be raised. The motion prevailed with 25 ayes, 0 nays and 24 not voting.

The motion to introduce prevailed with 33 ayes, 0 nays and 16 not voting.

Mr. Mahoney moved the introduction of a new bill by the Committee on Miscellaneous Subjects (Request No. 605). The motion prevailed with 30 ayes, 0 nays and 19 not voting.

Mr. Stull moved the introduction of a new bill by the Executive Board (Request No. 558). The motion prevailed with 31 ayes 0 nays and 18 not voting.

Mr. Schmit moved the introduction of a new bill by the Committee on Agriculture and Environment (Request No. 79). The motion prevailed with 32 ayes, 0 nays and 17 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 493. By Public Works Committee: Kremer, 34th District, Chairman; Moylan, 6th District; Hasebroock, 18th District; Warner, 25th District; Goodrich, 20th District; Wiltse, 1st District; Stromer, 36th District; R. Lewis, 38th District.

A BILL FOR AN ACT to amend section 39-1702, Reissue Revised Statutes of Nebraska, 1943, relating to county roads; to authorize the county board to designate and establish controlled access facilities as prescribed; and to repeal the original section.

LEGISLATIVE BILL 494. By Miscellaneous Subjects Committee: Waldron, 42nd District, Chairman; Cavanaugh, 9th District; Carpenter, 48th District; Murphy, 17th District; Skarda, 7th District; Savage, 10th District.

A BILL FOR AN ACT to adopt the Nebraska Disaster and Civil Defense Act of 1973; to amend sections 81-829.05 to 81-829.09, 81-829.13 to 81-829.15, 81-829.18, 81-829.19, 81-829.21 to 81-829.30, 81-829.32, and 81-829.35, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original sections, and also sections 81-829.10 to 81-829.12, 81-829.20, 84-110, 84-111, 84-111.01, and 84-112 to 84-119, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 495. By Executive Board: Mahoney, 5th District, Vice-chairman; Stull, 49th District; Goodrich, 20th District; Carpenter, 48th District; Savage, 10th District.

A BILL FOR AN ACT relating to higher education; to create the Nebraska Coordinating Council on Higher Education; to create the Nebraska Planning Commission on Higher Education; to provide for appointment of members; to provide for an executive director; to provide duties; and to declare an emergency.

LEGISLATIVE BILL 496. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Rasmussen, 41st District, Maresh, 32nd District.

A BILL FOR AN ACT to amend sections 66-467, 66-468, and 66-471, Revised Statutes Supplement, 1972, relating to motor vehicle fuels; to make an appropriation; to provide an administrator for the Agricultural Products Industrial Utilization Committee as prescribed; to state policy; and to repeal the original sections.

SELECT FILE

LEGISLATIVE BILL 165. E & R amendments found in the Journal on page 490 for the Thirty-third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 166. E & R amendments found in the Journal on page 490 for the Thirty-third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 12. E & R amendments found in the Journal on page 509 for the Thirty-third Day were adopted.

Advanced to E & R for Re-engrossment.

LEGISLATIVE BILL 71. E & R amendment found in the Journal on page 491 for the Thirty-third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 178. E & R amendments found in the Journal on page 491 for the Thirty-third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 176. E & R amendments found in the Journal on page 491 for the Thirty-third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 14A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 32. The Moylan specific amendment found in Today's Journal was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Re-engrossment.

LEGISLATIVE BILL 249. The Murphy specific amendments found in Today's Journal were adopted with 30 ayes, 0 nays and 19 not voting.

Advanced to E & R for Re-engrossment.

LEGISLATIVE BILL 197. Mr. Barnett asked unanimous consent to reject his previous amendments printed in the Journal on page 481 on the Thirty-second Day.

Mrs. Marsh objected.

Mr. Barnett moved to reject the previous amendments. The motion prevailed.

Mr. Barnett offered the following amendments which were adopted by unanimous consent:

1. Insert a new section to read:

"Sec. 3. That section 79-2201, Reissue Revised Statutes of Nebraska 1943, be amended to read as follows:

79-2201.01. In order to carry out the purposes provided in section 79-2201, educational service units may purchase or lease-purchase real estate and may purchase, lease, or lease-purchase equipment necessary for providing services to member school districts." The lease or purchase agreement for equipment shall not extend beyond 10 years.

2. Insert a new section to read:

"Sec. 4. The Board of Regents of The University of Nebraska may enter into a lease or lease-purchase agreement for the exclusive use of their individual jurisdiction for such buildings or equipment as the board determines necessary."

3. Renumber original section 2 as section 5.

4. On page 2, line 13, strike "section 79-4,154," and insert "sections 79-4,154 and 79-2201.01."

Advanced to E & R for Engrossment.

MOTION–Place LB 96 on General File

Mr. Simpson renewed his pending motion found in the Journal on page 437 for the Twenty-ninth Day to place LB 96 on General File notwithstanding the committee action.

Mr. F. Carstens moved the previous question. The question is "Shall the debate now cease?" The motion prevailed with 28 ayes, 2 nays and 19 not voting.

Mr. Simpson requested a record vote.

Mr. Simpson moved for a Call of the House. The motion prevailed with 25 ayes, 6 nays and 18 not voting.

The Call showed 40 members present.

Mr. Clark moved the Call be raised. The motion prevailed with 31 ayes, 0 nays and 18 not voting.

Mr. Carpenter requested a roll call vote.

Voting in the affirmative, 22:

Anderson
Barnett
Carpenter
F. Carstens
Cavanaugh
Chambers
Dickinson
Fellman
Fowler
Goodrich
Keyes
Luedtke
Mahoney
Moylan
Proud
Richendifer
Savage
Schmit
Simpson
Skarda
Stahmer
Syas

Voting in the negative, 19:

Clark
Duis
Hasebroock
Kelly
Kime
Kremer
R. Lewis
Maresh
Marsh
Marvel
Murphy
Nore
Rasmussen
Snyder
Stromer
Stull
Warner
Whitney
Wiltse

Not voting, 8:

Burbach C. Carsten DeCamp Epke Johnson
Kennedy F. Lewis Waldron

The Simpson motion lost with 22 ayes, 19 nays and 8 not voting.

SPEAKER PROUD PRESIDING

UNANIMOUS CONSENT—Change of Hearing Room

Mr. Marvel asked unanimous consent for the Appropriations Committee to use the West Chamber on Tuesday, February 27, 1973. No objections. So ordered.

MOTION—Place LB 177 on General File

Mr. Carpenter moved to place LB 177 on General File notwithstanding the committee action.

Motion pending.

MOTION—Rule Change

Mr. Duis moved to amend Rule 5, Sec. 5 to read as follows:

(a) Except as provided in Rule 5, Sec. 6, no bill shall be introduced after the tenth legislative day during ~~regular~~ sessions in odd-numbered ~~years and after the tenth legislative day during regular sessions in~~ or even-numbered years, except ~~upon recommendation of the Governor, or by a majority of the members of a standing committee whose names shall be affixed to the bill and approved by a vote of three-fifths of the elected members of the Legislature~~ as hereinafter provided.

(b) ~~Before an individual member may apply to a committee for introduction of a bill, he must first submit the bill to the Reference Committee. The Reference Committee shall determine which committee of the Legislature the subject of the bill is germane to. The bill shall then be submitted to the committee designated by the Reference Committee. Having completed consideration of the proposed bill, the standing committee shall return the bill to the Reference Committee for approval and authorization to submit the same for introduction. If approved by the Reference Committee, the bill may be introduced as provided in Sec. 5a. Bills originating within a standing committee shall be submitted for approval and authorization to be submitted for approval.~~ A bill may be introduced at the request of the Governor at any time. A standing committee or special committee may introduce a bill for any purpose including at the request of another senator provided said bill receives the endorsement of a majority of the committee members, whose names shall be on the bill and the motion to introduce the bill receives a vote of three-fifths of the elected members of the Legislature.

(c) No Change.

(d) No Change.

Referred to the Rules Committee.

REFERENCE COMMITTEE REPORT

LB	COMMITTEE
493	Public Works
494	Miscellaneous Subjects
495	Education
496	Agriculture and Environment

(Signed) Terry Carpenter, Chairman
Executive Board

NOTICE OF COMMITTEE HEARINGS

Education

LB 321	Monday, March 5, 1973	2:00 p.m.
LB 403	Monday, March 5, 1973	2:00 p.m.
LB 432	Monday, March 5, 1973	2:00 p.m.
LB 300	Tuesday, March 6, 1973	2:00 p.m.
LB 408	Tuesday, March 6, 1973	2:00 p.m.
LB 314	Monday, March 12, 1973	2:00 p.m.
LB 399	Monday, March 12, 1973	2:00 p.m.
LB 450	Monday, March 12, 1973	2:00 p.m.
LB 306	Monday, March 12, 1973	2:00 p.m.
LB 264	Tuesday, March 13, 1973	2:00 p.m.
LB 358	Cancel Monday, February 19, 1973	2:00 p.m.
LB 358	Reset Tuesday, March 13, 1973	2:00 p.m.
LB 440	Tuesday, March 13, 1973	2:00 p.m.
LB 307	Tuesday, March 13, 1973	2:00 p.m.
LB 475	Tuesday, March 13, 1973	2:00 p.m.

(Signed) Jerome Warner, Chairman

Judiciary

LB 261	Wednesday, March 7, 1973	2:00 p.m.
LB 487	Wednesday, March 7, 1973	2:00 p.m.

(Signed) Roland A. Luedtke, Chairman

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 67. Indefinitely postponed.

LEGISLATIVE BILL 369. Indefinitely postponed.

LEGISLATIVE BILL 146. Placed on General File.

(Signed) Roland A. Luedtke, Chairman

Miscellaneous Subjects

LEGISLATIVE BILL 25. Placed on General File.

LEGISLATIVE BILL 224. Placed on General File.

LEGISLATIVE BILL 330. Placed on General File.

(Signed) J. James Waldron, Chairman

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 37, 37A, 116, 126, 159, 214, 240 and 285.

(Signed) John J. Cavanaugh, Chairman

SPEAKER SIGNS

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 24, 107, 133, 188, 191 and 192.

ADJOURNMENT

At 12:06 p.m., on a motion by Mr. Stull, the Legislature adjourned until 9:00 a.m., Thursday, February 22, 1973.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

THIRTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 22, 1973

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Proud presiding.

PRAYER

Prayer was offered by the Chaplain.

> Great unseen Spirit, eternal and majestic, ruler of the heavens and the earth, before whom a thousand years are as a watch in the night; yet ever mindful of even the small things of the earth–the sparrow that falls from the skies in death; the cup of cold water given to one in need:
>
> We prepare now to invest another day of public trust in the service of those who have entrusted much to us. Grant that we may do nothing to weaken their trust in us, and may they do nothing to betray our confidence in them.
>
> So may we be especially alert at this time to the frustrations and sensitivities of those who somehow feel that we can dispense easy answers to their complex problems.
>
> Guard us against the ever present inclination to over-react when we feel a cause is being over-demonstrated.
>
> Do not permit us to confuse the authentic promptings of the Divine voice with the noisy chatter of other voices we are hearing.
>
> Give us strong backbones that will not sag under the weight of any amount of pressure from man, but will yield only to the guiding spirit of the God and Father of us all. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. F. Lewis and Johnson who were excused; Mr. Fellman who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

Page 530, lines 15 and 16, delete "Enrolled" and insert "Engrossed". The Journal for the Thirty-fourth Day was approved as corrected.

MESSAGES FROM THE GOVERNOR

February 16, 1973

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment to the Public Welfare and Public Institutions Advisory Committee:

Reappointment of Ray R. Young, 6917 North 52nd Street, Omaha, to another four year term, expiring January 1, 1977

I respectfully submit this appointment for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:ah

February 16, 1973

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment to the Motor Vehicle Industry Licensing Board:

Appointment of Herbert G. Andrews, 11217 North 61st Street, Omaha, Nebraska, to a term expiring May 18, 1973. He replaces Arthur M. Lambright who resigned.

I respectfully submit this appointment for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:ah

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE 40. With Emergency.

A BILL FOR AN ACT to amend sections 24-510 and 24-513, Revised Statutes Supplement, 1972, relating to county courts; to change provisions for counties of three thousand inhabitants or less; to provide for salaries; to repeal the original sections; and to declare an emergency.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 35:

Anderson	Carpenter	C. Carsten	Cavanaugh	Chambers
Dickinson	Epke	Fowler	Hasebroock	Kennedy
Keyes	Kime	Kremer	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Murphy	Nore
Proud	Rasmussen	Richendifer	Savage	Simpson
Skarda	Snyder	Stahmer	Stromer	Stull
Syas	Waldron	Warner	Whitney	Wiltse

Voting in the negative, 0.

Not voting, 14:

Barnett	Burbach	F. Carstens	Clark	DeCamp
Duis	Fellman	Goodrich	Johnson	Kelly
F. Lewis	Marvel	Moylan	Schmit	

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 40A. With Emergency.

A BILL FOR AN ACT to appropriate fifty-nine thousand nine hundred seventy-one dollars from the state General Fund for the period of July 1, 1973 to June 30, 1974, to the Supreme Court, Agency No. 05, for Program 396, county court system, to aid in carrying out the provisions of Legislative Bill 40, Eighty-third Legislature, First Session, 1973; and to declare an emergency.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Anderson	Burbach	Carpenter	C. Carsten	Cavanaugh
Chambers	DeCamp	Dickinson	Duis	Epke
Fowler	Hasebroock	Kennedy	Keyes	Kime
Kremer	Luedtke	Mahoney	Maresh	Marsh
Moylan	Murphy	Nore	Proud	Rasmussen
Richendifer	Savage	Schmit	Simpson	Skarda
Snyder	Stahmer	Stromer	Stull	Syas
Waldron	Warner	Whitney	Wiltse	

Voting in the negative, 0.

Not voting, 10:

Barnett	F. Carstens	Clark	Fellman	Goodrich
Johnson	Kelly	F. Lewis	R. Lewis	Marvel

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 101. With Emergency.

A BILL FOR AN ACT relating to physician's assistants; to define terms; to provide when a physician's assistant may render services; to provide for the certification of programs and physician's assistants; to establish guidelines for applications for physician's assistants; to require annual reports to the Legislature; to set fees; to provide for penalties; and to declare an emergency.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Anderson	Barnett	Burbach	C. Carsten	F. Carstens
Cavanaugh	Chambers	Clark	DeCamp	Dickinson
Duis	Epke	Fowler	Goodrich	Hasebroock

Kelly Kennedy Keyes Kremer R. Lewis
Luedtke Maresh Marvel Moylan Murphy
Nore Proud Rasmussen Savage Schmit
Simpson Skarda Snyder Stahmer Stromer
Stull Syas Waldron Warner Whitney
Wiltse

Voting in the negative, 2:

Kime Richendifer

Not voting, 6:

Carpenter Fellman Johnson F. Lewis Mahoney
Marsh

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 101A.

A BILL FOR AN ACT to appropriate four thousand seven hundred ten dollars from the state General Fund for the period ending June 30, 1974 to the Department of Health, Agency No. 20 for Program 177, Supporting Services, to aid in carrying out the provisions of Legislative Bill 101, Eighty-third Legislature, First Session, 1973.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Anderson Barnett Burbach C. Carsten F. Carstens
Cavanaugh Chambers Clark Dickinson Duis
Epke Fowler Goodrich Hasebroock Kelly
Kennedy Keyes Kremer R. Lewis Luedtke
Maresh Marvel Moylan Murphy Nore
Proud Rasmussen Savage Schmit Simpson
Skarda Snyder Stahmer Stromer Stull
Syas Waldron Warner Whitney Wiltse

Voting in the negative, 1:

Richendifer

Not voting, 8:

Carpenter DeCamp Fellman Johnson Kime
F. Lewis Mahoney Marsh

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 102. Laid over at the request of Mr. Barnett.

LEGISLATIVE BILL 102A. Laid over at the request of Mr. Barnett.

LEGISLATIVE BILL 108. With Emergency.

A BILL FOR AN ACT to amend section 60-335, Revised Statutes Supplement, 1972, as amended by section 1, Legislative Bill 49, Eighty-third Legislature, First Session, 1973, relating to motor vehicles; to provide that motor vehicles used by natural resources districts shall not pay a registration fee; to repeal the original section; and to declare an emergency.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 22:

Barnett Carpenter C. Carsten F. Carstens Chambers
Duis Goodrich Kelly Keyes Kremer
Luedtke Mahoney Maresh Marsh Moylan
Richendifer Simpson Snyder Stahmer Stromer
Waldron Wiltse

Voting in the negative, 19:

Anderson Burbach Cavanaugh Clark DeCamp
Dickinson Epke Fowler Kime R. Lewis
Marvel Murphy Nore Rasmussen Schmit
Skarda Stull Syas Warner

Not voting, 8:

Fellman Hasebroock Johnson Kennedy F. Lewis
Proud Savage Whitney

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed with the emergency clause attached, the question is, 'Shall the bill pass with the emergency clause stricken?' "

Voting in the affirmative, 24:

Barnett
Carpenter
C. Carsten
F. Carstens
Chambers
Duis
Goodrich
Kelly
Keyes
Kremer
Luedtke
Mahoney
Maresh
Marsh
Nore
Proud
Richendifer
Schmit
Simpson
Snyder
Stahmer
Stromer
Waldron
Wiltse

Voting in the negative, 17:

Anderson
Burbach
Cavanaugh
Clark
DeCamp
Dickinson
Epke
Fowler
Kennedy
R. Lewis
Marvel
Murphy
Rasmussen
Skarda
Stull
Syas
Warner

Not voting, 8:

Fellman
Hasebroock
Johnson
Kime
F. Lewis
Moylan
Savage
Whitney

Having failed to receive a constitutional majority voting in the affirmative, the bill failed with the emergency clause stricken.

LEGISLATIVE BILL 132. With Emergency.

A BILL FOR AN ACT to amend sections 77-629, 77-1241.09, 77-1250, and 77-1342, Reissue Revised Statutes of Nebraska, 1943, relating to taxation; to provide a collection fee for the Tax Commissioner and the disposition and use thereof; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
Clark
DeCamp
Dickinson
Duis
Epke
Fowler
Goodrich
Hasebroock
Kelly
Kennedy
Keyes
Kime
Kremer
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Nore
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 4:

Fellman Johnson F. Lewis Waldron

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 157. With Emergency.

A BILL FOR AN ACT to amend sections 21-2002, 21-20,107, 21-20,113, 21-2216, and 21-2217, Revised Statutes Supplement, 1972, relating to corporations; to redefine a term; to change requirements; to provide for suspensions; to repeal the original sections, and also section 21-2209, and Chapter 21, article 18, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Anderson Barnett Burbach Carpenter C. Carsten
F. Carstens Cavanaugh Chambers Clark DeCamp
Dickinson Duis Epke Fowler Goodrich
Hasebroock Kelly Kennedy Keyes Kime
Kremer R. Lewis Luedtke Mahoney Marsh
Moylan Murphy Nore Proud Richendifer
Savage Schmit Simpson Skarda Snyder
Stahmer Stromer Stull Syas Waldron
Warner Whitney Wiltse

Voting in the negative, 0.

Not voting, 6:

Fellman Johnson F. Lewis Maresh Marvel
Rasmussen

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 169.

A BILL FOR AN ACT to amend section 48-125, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Workmen's Compensation Court; to provide for attorneys' fees on rehearings; and to repeal the original section.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
DeCamp
Dickinson
Duis
Epke
Fowler
Goodrich
Hasebroock
Kelly
Kennedy
Keyes
Kime
Kremer
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Nore
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 4:

Clark
Fellman
Johnson
F. Lewis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 227.

A BILL FOR AN ACT to amend sections 76-204 and 76-241, Reissue Revised Statutes of Nebraska, 1943, relating to deeds; to provide for acknowledgments of documents for recordation; and to repeal the original sections.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is 'Shall the bill pass?' "

Voting in the affirmative, 42:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
Clark
DeCamp
Duis
Epke
Fowler
Goodrich
Kelly
Kennedy
Keyes
Kremer
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Nore
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 7:

Dickinson	Fellman	Hasebroock	Johnson	Kime
F. Lewis	Skarda			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 234. Bracketed until March 8 at the request of Mr. Fellman.

MOTION—Return LB 102 to Enrollment & Review

Mr. Savage moved to return LB 102 to Enrollment & Review to correct an error. The motion prevailed with 42 ayes, 0 nays and 7 not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on February 22, 1973 at 9:30 a.m: LB 24, LB 107, LB 133, LB 188, LB 191 and LB 192.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-engrossed

The following bills were correctly re-engrossed: 12 and 32.

Correctly Engrossed

The following bills were correctly engrossed: 14A, 71, 103, 176 and 178.

Correctly Enrolled

The following bills were correctly enrolled: 70, 100, 115, 181, 245 and 247.

(Signed) John J. Cavanaugh, Chairman

SPEAKER SIGNS

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 70, 100, 115, 181, 245 and 247.

UNANIMOUS CONSENT–Approve Governor Appointments

Mr. Whitney asked unanimous consent to approve the following appointments found in the Journal on page 501 for the Thirty-third Day in one vote. No objections. So ordered.

L. E. Donegan–Environmental Control Council
William R. Hunter–Environmental Control Council
Richard A. Veach–Environmental Control Council
Dr. Harold G. Wieseman–State Board of Health
Dr. James H. Walston–Environmental Control Council
Dr. Anthony J. Catana, Jr.–Environmental Control Council
A. B. Pittman, D.V.M.–State Board of Health
Jack James, O.D.–State Board of Health
W. James Wells, Jr.–State Board of Health

Voting in the affirmative, 39:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
Clark
DeCamp
Dickinson
Duis
Fowler
Hasebroock
Kennedy
Keyes
Kime
Kremer
Luedtke
Mahoney
Maresh
Marsh
Moylan
Murphy
Nore
Proud
Rasmussen
Richendifer
Savage
Schmit
Skarda
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 10:

Epke
Fellman
Goodrich
Johnson
Kelly
F. Lewis
R. Lewis
Marvel
Simpson
Snyder

The appointments were confirmed with 39 ayes, 0 nays and 10 not voting.

ANNOUNCEMENT

Mr. Whitney announced that Committee on Committees will meet at 1:00 p.m. today in the East Hearing Room to consider further Governor appointments.

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 459. Indefinitely postponed.

LEGISLATIVE BILL 173. Placed on General File as amended.
Standing Committee amendment to LB 173:

1. On page 2 amend the bill by striking lines 13, 14, 15 and 16 and inserting: "The cost of such immunization shall be borne by the parent or guardian or each child who is immunized; Provided, that such cost shall be borne by the Department of Health for those children whose parents or guardian are financially unable to meet such cost, to the extent that funds are specifically available for such purposes.".

LEGISLATIVE BILL 235. Placed on General File as amended.
Standing Committee amendment to LB 235:

1. On page 4, lines 7 and 8, strike "the employed parents and of employed children" and insert "all eligible family members"; in line 10 strike "said" and insert "the"; in line 17 strike "a" and insert "any eligible" and strike "under twenty-one"; and in line 18 strike "on a full-time basis".

(Signed) Thomas C. Kennedy, Chairman

MR. WHITNEY PRESIDING

MOTION—Return LB 197 to Select File

Mr. Waldron moved to return LB 197 to Select File for consideration of the following specific amendment:

Sec. 3. (79-2201.01) At the end of the paragraph. Add "Any equipment purchased or lease-purchased by the ESU's shall not be resold to other governmental subdivisions, unless the equipment is no longer functional."

The motion prevailed with 27 ayes, 4 nays and 18 not voting.

ANNOUNCEMENT

Mr. Marvel announced that he has placed on the members' desks a report of the latest figures on bills that have expenditures.

SELECT FILE

LEGISLATIVE BILL 197. The Waldron specific amendment found in today's Journal was adopted with 30 ayes, 0 nays and 19 not voting.

Advanced to E & R for Engrossment.

MOTION–Introduce Bill

Mr. Schmit moved the introduction of a new bill by the Committee on Agriculture and Environment (Request No. 771). The motion prevailed with 34 ayes, 0 nays and 15 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 497. By Agriculture and Environment Committee: Schmit, 22nd District, Chairman; Rasmussen, 41st District; Maresh, 32nd District; Kennedy, 21st District; Kime, 43rd District.

A BILL FOR AN ACT relating to milk; to define terms; to provide for the detailed regulation of the production, handling, processing and distribution of Grade A condensed and dry milk products as prescribed; to provide powers and duties; to provide fees; to make certain acts unlawful; to provide procedures; to provide penalties; to provide for severability; and to declare an emergency.

UNANIMOUS CONSENT–Members Excused

Mr. Waldron asked unanimous consent to be excused tomorrow, February 23, and Monday, February 26. No objections. So ordered.

Mr. Snyder asked unanimous consent to be excused tomorrow, February 23. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS
Agriculture and Environment

LB 496	Thursday, March 1, 1973	2:00 p.m.

(Signed) Loran Schmit, Chairman

Public Works

LB 437	Continue Friday, March 2, 1973	2:00 p.m.
LB 490	Thursday, March 8, 1973	2:00 p.m.
LB 488	Wednesday, March 14, 1973	2:00 p.m.
LB 489	Wednesday, March 14, 1973	2:00 p.m.
LB 491	Wednesday, March 14, 1973	2:00 p.m.

(Signed) Maurice A. Kremer, Chairman

STANDING COMMITTEE REPORTS

Agriculture and Environment

LEGISLATIVE BILL 298. Indefinitely postponed.

LEGISLATIVE BILL 263. Placed on General File.

LEGISLATIVE BILL 301. Placed on General File.

LEGISLATIVE BILL 391. Placed on General File.

(Signed) Loran Schmit, Chairman

Miscellaneous Subjects

LEGISLATIVE BILL 179. Placed on General File as amended.
Standing Committee amendment to LB 179:

1. On page 9, line 17, strike "The" and insert "Either the"; in line 18, insert "or the Board of Trustees of the Nebraska State Colleges" after "Nebraska"; in line 18, strike "and accept" and insert "by purchase or lease-purchase or to accept at no cost"; in line 21, strike "to such board"; and in lines 22 and 25, insert "or boards" after "board".

LEGISLATIVE BILL 246. Placed on General File as amended.
Standing Committee amendments to LB 246:

1. On page 3 lines 15 to 17, strike the new matter and insert "The charge for telephone expenses shall not exceed the actual costs incurred for providing such services to any agency, department, or other user, plus not more than five per cent for administration thereof.".
2. On page 7 line 23 after "sold", insert "plus five per cent for administration thereof.".
3. On page 8 line 27 after "thereof" insert ", including those incurred for providing of such services," and after "cent" insert "for administration thereof", and strike "The" and insert "All".
4. On page 9 line 1 strike "over the actual cost".

(Signed) J. James Waldron, Chairman

Public Works

LEGISLATIVE BILL 335. Placed on General File as amended.

Standing Committee amendment to LB 335:
On page 8, line 6 delete "2-1507.04" and insert instead "2-1517.04".

(Signed) Maurice A. Kremer, Chairman

Appropriations

LEGISLATIVE BILL 336. Placed on General File.

(Signed) Richard D. Marvel, Chairman

MOTION—Place LB 229 on General File

Mr. Carpenter moved to place LB 229 on General File notwithstanding the committee action. Motion pending.

GENERAL FILE

LEGISLATIVE BILL 201A. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays and 19 not voting.

UNANIMOUS CONSENT—Change of Order

Mr. Rasmussen asked unanimous consent to consider LR 11 on General File at this time. No objections. So ordered.

GENERAL FILE

LEGISLATIVE RESOLUTION 11. Considered.

LR 11 was adopted with 26 ayes, 1 nay and 22 not voting.

LEGISLATIVE BILL 184. Bracketed at the request of Mr. Chambers.

LEGISLATIVE BILL 255. Title read. Considered.

Standing Committee amendments found in the Journal on page 397 for the Twenty-seventh Day were adopted.

Bracketed until March 1, at the request of Mr. Schmit.

LEGISLATIVE BILL 65. Title read. Considered.

Standing Committee amendments Nos. 1, 2 and 4 found in the Journal on page 398 for the Twenty-seventh Day were adopted.

Standing Committee amendment No. 3 found in the Journal on page 398 for the Twenty-seventh Day was rejected.

Advanced to E & R for Review with 29 ayes, 6 nays and 14 not voting.

LEGISLATIVE BILL 189. Considered.

Mr. Carpenter offered the following amendment which was adopted.
1. On page 2 line 27 after "by" insert "irrigation divisions of public power and irrigation".

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 213. Considered.

Standing Committee amendment found in the Journal on page 399 for the Twenty-seventh Day was rejected with 24 ayes, 0 nays and 25 not voting.

Mr. Keyes moved to indefinitely postpone.

Mr. Carpenter asked unanimous consent to bracket the bill until March 1.

Mr. Richendifer objected.

Mr. Kelly moved the previous question. The question is, "Shall the debate now cease?" The motion prevailed with 29 ayes, 3 nays and 17 not voting.

The Keyes motion to indefinitely postpone lost with 2 ayes, 28 nays and 19 not voting.

Mr. Barnett offered the following amendment which was adopted:
Add the Emergency Clause.

Advanced to E & R for Review with 33 ayes, 0 nays and 16 not voting.

NOTICE OF COMMITTEE HEARING
Judiciary

LB 334 Continued March 7, 1973 2:00 p.m.

(Signed) Roland A. Luedtke, Chairman

REFERENCE COMMITTEE REPORT

LB	Committee
497	Agriculture & Environment

(Signed) Terry Carpenter, Chairman

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 249. Replaced on Select File as amended.

1. In lieu of the Murphy amendments, on page 2, line 8, strike "firemen" and insert "~~firemen~~ fire and rescue personnel"; in lines 12 and 13, strike "individual fireman" and insert "~~individual fireman~~ insured"; and in line 16, strike "fireman" and insert "~~fireman~~ member of the fire department"; and in standing committee amendment 1, line 3, strike "a fireman" and insert "any such person".

2. In the title, line 3, strike "voluntary" and strike lines 4 to 6 and all amendments thereto and insert "volunteer fire departments; to extend insurance coverage to rescue personnel; to limit coverage to active personnel; to provide for only one policy of insurance and increase the amount thereof; and to repeal the original".

(Signed) John J. Cavanaugh, Chairman

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 167. Placed on General File as amended.
Standing Committee amendments to LB 167:

1. On page 2, line 14, insert "or" before "(10)" and delete ", or (11)" and show as stricken matter.

2. On page 3, line 14, strike ", or (d)" and show as stricken matter and insert a new period; and strike lines 15 and 16 and show as stricken matter.

3. On page 4, at the end of line 3, insert "(d) an issuer dealer; (e)", and in line 6 strike "(e)" and show as stricken and insert "(f)"; in line 8 strike "subdivisions" and show as stricken and insert "subdivision", strike "and (11)" and show as stricken; in line 9 strike "(f)" and show as stricken and insert "(g)"; in line 20 strike "(f), or (g)" and show as stricken and insert "(g), or (h)".

4. On page 5, line 8, after "issuer" insert "located in the State of Nebraska"; and line 9 after "public" insert "of the State of Nebraska".

5. On page 12, line 21, after "broker-dealer" insert ", issuer-dealer,".

6. On page 26, line 11 to 17, reinstate the stricken matter; and line 17 after "unit" insert "Provided, that such exemption shall not apply to any transaction in a bond or other evidence of indebtedness secured by a real estate mortgage or deed of trust or by an agreement for the sale of real estate if the real estate securing the evidences of indebtedness are parcels of

real estate, the sale of which, requires the subdivision in which the parcels are located to be registered under the Interstate Land Sales Full Disclosure Act, 82 Stat. 590 et seq., 15 U. S. C. 1701 et seq."; and reinstate the stricken matter beginning on page 26 to page 28.

LEGISLATIVE BILL 296. Placed on General File as amended. Standing Committee amendments to LB 296:

1. On page 2, lines 17, 18 and 20, strike "stock".
2. On page 4, lines 9, 10 and 11, strike "Each shareholder entitled to vote at such meeting shall have one vote for each share of stock held by him." and insert "Each outstanding share of such company shall be entitled to vote on the proposed plan, whether or not such share has voting rights under the provisions of the articles of incorporation of such company.".

(Signed) Fred W. Carstens, Chairman

Judiciary

LEGISLATIVE BILL 379. Indefinitely postponed.

(Signed) Roland A. Luedtke, Chairman

Urban Affairs

LEGISLATIVE BILL 448. Placed on General File as amended. Standing Committee amendments to LB 448:

1. Strike sections 1 to 5 and insert the following:

"Section 1. The Legislature finds and declares that the election of the city council at large in cities of the primary class results in a concentration of representation from certain areas and socio-economic segments of the population while denying representation to other areas and socio-economic segments of the population. The Legislature finds that adequate representation of all areas and all socio-economic segments of the population of cities of the primary class is a matter of general statewide concern, the provisions of any home rule charter to the contrary nonwithstanding.

Sec. 2. The members of the city council in cities of the primary class shall be elected from districts, with one member being elected from each district. The election commissioner of any county in which a city of the primary class is located shall divide the city into as many election districts as there are members of the city council. Such districts shall be of compact and contiguous territory, shall be as nearly as may be practicable of the same population, and shall be drawn so as not to favor any area or any socio-economic segment of the population of the city. Members of the council shall be nominated and elected on a nonpartisan ballot. Members of the council serving on the effective date of this act shall continue to serve until the expiration of their term. Their successors shall be elected from districts as designated by the election commissioner so as to assure representation of all areas and all socio-economic segments of the population at the earliest practicable date.

Sec. 3. Each candidate seeking nomination by district shall have been an actual resident thereof for at least one year immediately preceding the primary election. The term of office of any member elected by district shall terminate if he changes his residence to a point outside the district. Councilmen shall serve for a term of four years.

Sec. 4. If any territory is annexed to a city of the primary class, the election commissioner shall assign such territory to existing districts so as to maintain, as nearly as may be practicable, equal population within each such district. The election commissioner shall adjust the boundaries of such districts after each federal decennial census so as to maintain equal population within each such district.".

2. Renumber original section 6 as section 5.

(Signed) Duke Snyder, Chairman

VISITORS

Mr. Whitney introduced 75 Farmers Union Central Exchange members from Minnesota, South Dakota and Iowa.

ADJOURNMENT

At 11:46 a.m., on a motion by Mr. Hasebroock, the Legislature adjourned until 9:00 a.m., Friday, February 23, 1973.

Vincent D. Brown
Clerk of the Legislature

THIRTY-SIXTH DAY—FEBRUARY 23, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

THIRTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 23, 1973

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Marsh presiding.

PRAYER

The prayer was offered by the Chaplain.

> Eternal God, we are grateful for the rest during the past night. May we be equipped for giving a good accounting of ourselves during this new day.
>
> May we work aright together so we may have no inner qualms of confusion.
>
> May we speak aright together; not from too hasty impulse or fearful silence, but from measured thought.
>
> Beyond the inevitable tedium which faces each of us, may Thy servants have Thy inner light that they may help dispel the outer darkness. In the name of our Lord who strengthens us. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Chambers, Goodrich, Kremer, Johnson, Simpson, Snyder, Syas, Stahmer and Waldron who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-fifth Day was approved.

GENERAL FILE BILLS

Mr. Carpenter suggested that a list of non-controversial bills be placed on the board for consideration on General File on Fridays.

ATTORNEY GENERAL OPINION

February 22, 1973

Senator George Syas
Nebraska State Legislature
State Capitol
Lincoln, Nebraska

Dear Senator:

In connection with L. B. 195 you have asked us several questions concerning the existing rights of a private citizen to institute legal action in the courts when his interests have been affected by pollution. You explain that in our response you would like some description of what legal procedures are available under the present state of the law.

The Department of Environmental Control, like its predecessor pollution regulatory agencies, is authorized to promulgate laws which restrict the emissions of polluters. The legislative scheme is that the agency will not only make the law, it will investigate and if it finds violations, it will enforce the law. L. B. 195 is designed to authorize the so-called citizen suit, which would generally give to a private citizen the same type of right of enforcement which has been entrusted by law to the regulatory agency.

The present law in Nebraska, set forth in the Administrative Procedure Act, Section 84-901 et seq., which is applicable to the Environmental Control Department as an act establishing minimum administrative procedures for all agencies, provides the following rights to a person who wishes to affect the actions of a regulatory agency.

> "84-910. Agency; promulgation, amendment, or repeal; petition. Any interested person may petition any agency requesting the promulgation, amendment, or repeal of any rule. Each agency shall prescribe by rule the form for such petitions and the procedure for their submission, consideration, and disposition."
>
> "84-911. Agency; validity of rule; declaratory judgment; procedure. (1) The validity of any rule may be determined upon a petition for a declaratory judgment thereon addressed to the district court of Lancaster County if it appears that the rule or its threatened application interferes with or impairs or threatens to interfere with or impair the legal rights or privileges of the petitioner. The agency shall be made a party to the proceeding. The declaratory judgment may be rendered whether or not the petitioner has first requested the agency to pass upon the validity of the rule in question.
>
> "(2) The court shall declare the rule invalid if it finds that it violates constitutional provisions, exceeds the statutory authority of the agency, or was adopted without compliance with the

> statutory rule-making procedures."
>
> "84-912. Agency; applicability of rule; declaratory ruling; review of ruling. On petition of any interested person, any agency may issue a declaratory ruling with respect to the applicability to any person, property, or state of facts of any rule or statute enforceable by it. A declaratory ruling, if issued after argument and stated to be binding, is binding between the agency and the petitioner on the state of facts alleged unless it is altered or set aside by a court. Such a ruling is subject to review in the manner provided in the code of civil procedure. Each agency shall prescribe by rule the form for such petitions and the procedure for their submission, consideration, and disposition."

You will note that the rights granted under these provisions are given to "any interested person" or one with "legal rights or privileges". This means that in order for the person to initiate any action he must have suffered damages to a legally protected interst. This is a major difference from rights authorized by citizen suits, which authorize a suit by one who has no property right or other recognized legally protected interest which has been invaded, but who asserts as a citizen of the state that the natural resources of the state are adversely affected.

That is not to say that the private citizen is denied access to the courts. He may bring a private lawsuit against the polluter complaining that his rights have been adversely affected by the defendant polluter. This may be a suit for money damages or an action to enjoin the polluter from continuing his conduct. There are four recognized legal theories of liability in pollution cases, nuisance, trespass, negligence, and strict liability. To sustain a nuisance theory it is necessary to prove that the pollution complained of is so frequent and noxious that it has a propensity to cause harm and that it caused the plaintiff damages. In a trespass suit it is necessary to demonstrate that the polluter is interfering with the enjoyment of the victim's property as a result of the escape of pollution from the polluter's property to the victim's. Negligence theory is the basis of a suit where the polluter is doing something which is likely to cause harm to others and where he has a legal duty to refrain from causing that harm. Strict liability is the basis for an action in which the law places upon the polluter the duties in the nature of an insurer. These types of lawsuits are brought by a private individual, generally but not necessarily represented by counsel, in the courts of the county in which the damage took place.

L. B. 195 as written would not limit access to the courts by a private individual for an invasion of his rights, but rather would extend to private individuals the right to complain that an emission limitation, set by the regulatory agency, was exceeded and not excused. Further, it would force the Director of the Environmental Control Department into court to explain the reasons which prompted his administrative decisions concerning enforcement, in the particular case. The resolution of these conflicting points of view are essentially political in nature, and we are therefore refraining from any judgment concerning their respective political merits.

Yours very truly,

CLARENCE A. H. MEYER
Attorney General

(Signed) Betsy G. Berger
Assistant Attorney General

BGB:cp
cc: Vince Brown

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 302, passed in the 1965 session of the Legislature, the attached is a list of all lobbyists who have registered as of February 22, 1973. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Vincent D. Brown
Clerk of the Legislature

Beam, C. Arlen – Lincoln, National Bank of Commerce Trust and Savings Association
Clarence, Richard E. – Lincoln, Nebraska State Utility Workers Conference
Moulton, William – Omaha, Nebraska Consulting Engineers Association

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 197. Replaced on Select File as amended.
E & R amendments to LB 197:

1. In lieu of the longhand portion of the Barnett amendment 1, in new section 3, line 6, insert "The lease or lease-purchase agreement for equipment may not exceed a period of ten years." after the period.
2. In new section 4, line 2, strike "their individual" and insert "its".
3. In lieu of the Waldron amendment, at the end of new section 3, insert "Any equipment purchased or lease-purchased under the authority of this section shall not be resold to any other governmental subdivision unless it is no longer functional.".

4. In line 2, of the Barnett amendment 4, strike the period and insert a comma.

5. In the title, strike lines 2 to 6 and insert:
"FOR AN ACT relating to education; to extend the maximum
period of certain agreements; to provide
authority for purchase, lease, or lease-purchase
of equipment as prescribed; to amend sections
79-4,154 and 79-2201.01, Reissue Revised Statutes
of Nebraska, 1943; and to repeal the original
sections.".

(Signed) John J. Cavanaugh, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 20.

A BILL FOR AN ACT to amend section 23-343.11, Reissue Revised Statutes of Nebraska, 1943, relating to county hospitals; to provide a mill levy increase for certain counties; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 27:

Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Clark
Duis
Epke
Kelly
Keyes
F. Lewis
Luedtke
Maresh
Marsh
Moylan
Nore
Proud
Rasmussen
Richendifer
Savage
Schmit
Skarda
Stromer
Stull
Warner
Whitney
Wiltse

Voting in the negative, 3:

DeCamp
Kennedy
R. Lewis

Not voting, 19:

Anderson
Barnett
Chambers
Dickinson
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kime
Kremer
Mahoney
Marvel
Murphy
Simpson
Snyder
Stahmer
Syas
Waldron

A A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 30. With Emergency.

A BILL FOR AN ACT to amend section 29-2907, Revised Statutes Supplement, 1972, relating to criminal procedure; to provide for the cost of maintenance, care, and treatment of sexual sociopaths; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative,37:

Anderson
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Clark
DeCamp
Dickinson
Duis
Epke
Fellman
Fowler
Kelly
Kennedy
Keyes
Kime
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Moylan
Murphy
Nore
Proud
Rasmussen
Richendifer
Savage
Schmit
Skarda
Stromer
Stull
Warner
Whitney
Wiltse

Voting in the negative, 0:

Not voting, 12:

Barnett
Chambers
Goodrich
Hasebroock
Johnson
Kremer
Marvel
Simpson
Snyder
Stahmer
Syas
Waldron

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 51.

A BILL FOR AN ACT to amend section 44-501, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to make specific provision for payment of total loss claims; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Clark
DeCamp
Dickinson
Duis
Epke
Fellman
Fowler
Hasebroock

Kelly
Kennedy
Keyes
Kime
F. Lewis
R. Lewis
Luedtke
Maresh
Marsh
Moylan
Murphy
Nore
Proud
Rasmussen
Richendifer
Savage
Schmit
Skarda
Stromer
Stull
Warner
Whitney

Voting in the negative, 0.

Not voting, 12:

Chambers
Goodrich
Johnson
Kremer
Mahoney
Marvel
Simpson
Snyder
Stahmer
Syas
Waldron
Wiltse

AA constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 252. Mr. Whitney asked unanimous consent to hold the bill over until Monday, February 26.

Mr. C. Carsten objected.

Mr. Whitney moved the bill be held. The motion lost with 13 ayes, 21 nays and 15 not voting.

A BILL FOR AN ACT to amend section 79-4,114, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to increase the amount of land that may be taken for a school site; to provide for hearings; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Anderson
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Clark
DeCamp
Dickinson
Duis
Epke
Fellman
Fowler
Hasebroock
Kelly
Keyes
Kime
F. Lewis
R. Lewis
Luedtke
Maresh
Marsh
Moylan
Murphy
Proud
Rasmussen
Savage
Schmit
Skarda
Stromer
Stull
Warner
Whitney
Wiltse

Voting in the negative, 4:

Barnett
Kennedy
Nore
Richendifer

Not voting, 11:

Chambers Goodrich Johnson Kremer Mahoney
Marvel Simpson Snyder Stahmer Syas
Waldron

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SELECT FILE

LEGISLATIVE BILL 249. E & R amendments found in the Journal on page 547 for the Thirty-fifth Day were adopted.

Advanced to E & R for Re-engrossment.

STANDING COMMITTEE REPORT
Committee on Committees

February 22, 1973

The Committee on Committees desires to report favorably upon the appointments listed below which were submitted by Governor J. James Exon. The Committee suggests that the appointments be confirmed by the Legislative Body and suggest a record vote on each confirmation:

Richard L. DeBacker – Court of Industrial Relations

Committee Vote: For: (8) Senators Barnett, Duis, Epke, Nore, Snyder, Stahmer, Stull and Whitney

Against: None

Absent and not voting: (5) Senators Chambers, Johnson, Luedtke, Stromer and Wiltse

John T. Grant – Court of Industrial Relations

Committee Vote: For: (8) Senators Barnett, Duis, Epke, Nore, Snyder, Stahmer, Stull and Whitney

Against: None

Absent and not voting: (5) Senators Chambers, Johnson, Luedtke, Stromer and Wiltse

John H. Gabarron – Commission on Fire Fighting
Personnel Standards and Education

Committee Vote: For: (8) Senators Barnett, Duis, Epke, Nore, Snyder, Stahmer, Stull and Whitney

Against: None

Absent and not voting: (5) Senators Chambers, Johnson, Luedtke, Stromer and Wiltse

Respectfully submitted,

(Signed) Ramey C. Whitney, Chairman
Committee on Committees

MOTION—Return LB 102 to Select File

Mr. Barnett moved to return LB 102 to Select File for the following specific amendment:

1. Strike all previous amendments to lines 18 and 19 on page 2.

The motion prevailed with 25 ayes, 0 nays and 24 not voting.

SELECT FILE

LEGISLATIVE BILL 102. The Barnett specific amendment found in today's Journal was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Re-engrossment.

UNANIMOUS CONSENT—Member Excused

Mr. Marvel asked unanimous consent to be excused the remainder of the morning. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 243. Laid over at the request of Mr. Warner.

MR. WHITNEY PRESIDING

LEGISLATIVE BILL 241. Title read. Considered.

Standing Committee amendments found in the Journal on page 405 for the Twenty-seventh Day were adopted.

Advanced to E & R for Review with 30 ayes, 0 nays and 19 not voting.

PRESIDENT MARSH PRESIDING

LEGISLATIVE BILL 239. Title read. Considered.

Standing Committee amendment found in the Journal on page 406 for the Twenty-seventh Day was adopted.

Advanced to E & R for Review with 31 ayes, 0 nays and 18 not voting.

Committee to Escort Mother of Year

The Chair appointed Messrs. Wiltse and Luedtke to escort Mr. and Mrs. Harold Smith and Mrs. Ralph Hill to the rostrum.

President Marsh introduced Mrs. Harold Smith, 1972 State Mother of the Year and Mrs. Ralph Hill. Mrs. Smith and Mrs. Hill addressed the members briefly.

The Committee escorted the visitors from the Chamber.

GENERAL FILE

LEGISLATIVE BILL 337. Title read. Considered.

Standing Committee amendment found in the Journal on page 454 for the Thirtieth Day was adopted.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 216. Title read. Considered.

Standing Committee amendments found in the Journal on page 464 for the Thirty-first Day were adopted.

Advanced to E & R for Review with 31 ayes, 0 nays and 18 not voting.

LEGISLATIVE BILL 163. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 276. Title read. Considered.

Advanced to E & R for Review with 31 ayes, 0 nays and 18 not voting.

LEGISLATIVE BILL 373. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 138. Title read. Considered.

Standing Committee amendments found in the Journal on page 484 for the Thirty-second Day were adopted.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 215. Title read. Considered.

Standing Committee amendment found in the Journal on page 499 for the Thirty-third Day was adopted.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 186. Title read. Considered.

Standing Committee amendments found in the Journal on page 499 for the Thirty-third Day were adopted.

Advanced to E & R for Review with 27 ayes, 1 nay and 21 not voting.

LEGISLATIVE BILL 206. Title read. Considered.

Standing Committee amendments found in the Journal on page 500 for the Thirty-third Day were adopted.

Advanced to E & R for Review with 29 ayes, 0 nays and 20 not voting.

MR. WHITNEY PRESIDING

LEGISLATIVE BILL 224. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays and 20 not voting.

PRESIDENT MARSH PRESIDING

LEGISLATIVE BILL 330. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays and 20 not voting.

LEGISLATIVE BILL 263. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 391. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 246. Title read. Considered.

Standing Committee amendments found in the Journal on page 544 for the Thirty-fifth Day were adopted.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 335. Title read. Considered.

Standing Committee amendment found in the Journal on page 544 for the Thirty-fifth Day was adopted.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 167. Title read. Considered.

Standing Committee amendments found in the Journal on page 547 for the Thirty-fifth Day were adopted.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 296. Title read. Considered.

Standing Committee amendments found in the Journal on page 548 for the Thirty-fifth Day were adopted.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

UNANIMOUS CONSENT–General File Bills

Mr. Proud asked unanimous consent that after LB 390 on General File we proceed to the top of General File and consider the bills in that order if the introducer is present. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 390. Title read. Considered.

Standing Committee amendments found in the Journal on page 445 for the Twenty-ninth Day were adopted.

Mr. Carpenter offered the following amendment which was adopted:
In Section 1, line 7 by striking "thirty" and insert "forty-five".

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 43. Bracketed at the request of Mr. Stull.

LEGISLATIVE BILL 231. Laid over.

LEGISLATIVE BILL 112. Bracketed until Tuesday, February 27, at the request of Mrs. Marsh.

LEGISLATIVE BILL 351. Title read. Considered.

Mr. Carpenter offered the following amendments:

1. On page 2, after line 16 insert a new section 2 as follows:
"Sec. 2. Any savings and loan association in this state may organize as a capital stock association. The Director of Banking shall promulgate rules and regulations which shall set the standards and prescribe the procedure for reorganization of mutual savings and loan associations as stock associations and for organization of new savings and loan associations as stock associations.".
2. Renumber existing section 2 as section 3.

Amendments pending.

Bracketed until Wednesday, February 28, at the request of Mr. Kelly.

LEGISLATIVE BILL 34. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 68. Title read. Considered.

Standing Committee amendments found in the Journal on page 442 for the Twenty-ninth Day were adopted.

Bracketed until Tuesday, February 27, at the request of Mr. Carpenter.

LEGISLATIVE BILL 86. Title read. Considered.

Standing Committee amendments found in the Journal on page 444 for the Twenty-ninth Day were adopted.

Bracketed until Tuesday, February 27, at the request of Mr. Carpenter.

LEGISLATIVE BILL 339. Title read. Considered.

Standing Committee amendment found in the Journal on page 445 for the Twenty-ninth Day was adopted.

Mr. Carpenter offered the following amendment:
In Section 1, lines 2 and 7, strike "may" and insert "shall".

Amendment pending.

Laid over.

MOTION–Place LB 298 on General File

Mr. Keyes moved to place LB 298 on General File notwithstanding the committee action. Motion pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on February 23, 1973 at 10:15 a.m.: LB 70, LB 100, LB 115, LB 181, LB 245 and LB 247.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 165 and 166.

Correctly Enrolled

The following bills were correctly enrolled: 40, 40A, 101, 101A, 132, 157, 169 and 227.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bills: 40, 40A, 101, 101A, 132, 157, 169 and 227.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 409. Indefinitely postponed.

LEGISLATIVE BILL 446. Placed on General File.

(Signed) Roland Luedtke, Chairman

VISITORS

President Marsh introduced Girl Scout Troop 127 with leaders Mrs. Ruth Jewell and Mrs. Overton as leaders and Mrs. Marsh, co-leader, from Lincoln.

President Marsh introduced 12 Ashland-Greenwood Elementary students and teacher, Mrs. Keith Linen, Ashland.

President Marsh introduced 8 Secondary Special Education students and teacher, Mr. Ken Mahlin from Ashland-Greenwood School, Ashland.

ADJOURNMENT

At 11:52 a.m., on a motion by Mr. Rasmussen, the Legislature adjourned until 10:00 a.m., Monday, February 26, 1973.

Vincent D. Brown
Clerk of the Legislature

THIRTY-SEVENTH DAY—FEBRUARY 26, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

THIRTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 26, 1973

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Marsh presiding.

PRAYER

Prayer was offered by the Chaplain.

> We bow our heads, O Lord our God, for we would be stupid indeed to believe that our business is none of Your business. But we bow our heads also because we know that we need help. Tensions mount, and pressures build, and criticism sharpens, and each man and woman among us stands in need of special help this week. And You only know what our special needs are, Heavenly Father, for You know us better than we know ourselves. So help us, we pray. Get our family and our Legislature off to a good week, and give us all a good conscience at the week's end. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Fellman, Johnson and Waldron who were excused; Mr. Marvel who was excused until 2:00 p.m.; Mr. Warner who was excused until he arrives and Mr. Stahmer who was excused until 10:15 a.m.

CORRECTIONS FOR THE JOURNAL

Page 554, line 12, insert "(Signed) John Cavanaugh, Chairman".
Page 559, line 5, insert "Standing Committee amendment found in the Journal on page 406 for the Twenty-seventh Day was adopted.".
The Journal for the Thirty-sixth Day was approved as corrected.

ATTORNEY GENERAL OPINION

February 21, 1973

Senator Steve Fowler
Nebraska State Legislature
State Capitol Building
Lincoln, Nebraska

Dear Senator Fowler:

You have requested our interpretation of Sec. 23-113, R.R.S. 1943, as pertains to Indian burial grounds. That section of the statutes authorizes county boards to expend money from the county general fund for the "care and maintenance of each abandoned and neglected cemetery." Legislative Bill 277, introduced at the current session, would effect no change in the law other than to specify what shall constitute care and maintenance.

You inquire as to the validity and propriety of applying the statute with respect to Indian burial grounds. It is true that the federal government, generally speaking, has exclusive jurisdiction over native American Indians and Indian Country, to the exclusion of any incompatible regulation or control by any branch of state government. However, it seems to us that a matter such as care and maintenance by a county of abandoned and neglected Indian burial grounds would not constitute regulation or control; but, rather, it would be in the nature of granting aid.

Since, in effect, the federal government has established a guardian-ward relationship with respect to Indians and their property, it might appear appropriate that the care and maintenance of abandoned and neglected Indian burial grounds is something for which it should assume responsibility. However, be that as it may, in the absence of federal action, we feel that it is within the power of a county within which an abandoned and neglected Indian burial ground may be located to provide care and maintenance for the same.

Your final question goes to whether the present statutory language would include Indian burial grounds or if additional language should be enacted specifically making the statute applicable to Indian burial grounds. The statute simply uses the general term, "cemetery," without any restriction or limitation whatever. We believe that the terms "cemetery" and "burial ground" are essentially synonymous and that there is no necessity to specifically refer to Indian burial grounds in order to render the law applicable thereto. This is not to say, of course, that it would be improper to incorporate into the statute a specific reference to Indian burial grounds.

However, we should point out that simply because in a given area there may be located a few random, scattered Indian graves is insufficient basis for declaring the area to be a burial ground. In Town of Sudbury v. Department of Public Utilities, 218 N. E. 2d 415, 424, an objection was urged to the attempted taking of an easement by eminent domain through a parcel of land, on the grounds that the land constituted an Indian burial ground. The following appears in the opinion in that case:

> "The department concluded that the remains of one human being and the possibility of others scattered throughout the area were not, in its opinion, a basis for designating the land as a burial ground within c. 114, Section 17, which 'plainly refers to a tract of land definable and readily identifiable as a burying ground.' The department inferred from Smith's testimony that 'Indian burial was random in nature.' The decision further stated, 'There is certainly no evidence of an area or tract of land specifically defined as such.'
>
> "The department's finding was clearly right. * * *."

Similarly, in Village of Villa Park v. Wonders' Rest Cemetery, Co., 147 N. E. 104, 105, the court said that a cemetery is a place or an area of ground formally set apart for burial of the dead and that a cemetery is created by the act of setting apart the ground for burial, marking, and distinguishing it from adjoining ground as being a place of burial.

Very truly yours,

CLARENCE A. H. MEYER
Attorney General

(Signed) C. C. Sheldon
Assistant Attorney General

CCS:smh

cc: Mr. Vincent D. Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

NOTICE OF COMMITTEE HEARINGS

Nebraska Retirement Systems

LB 250	Monday, March 5, 1973	12:30 p.m.
LB 353	Monday, March 5, 1973	12:30 p.m.
LB 492	Monday, March 5, 1973	12:30 p.m.

(Signed) Ramey C. Whitney, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on February 26, 1973 at 8:25 a.m. the following: LB 40, LB 40A, LB 101, LB 101A, LB 132, LB 157, LB 169 and LB 227.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 201A. Placed on Select File as amended.
E & R amendment to LB 201A:

1. Add a new section to read:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

LEGISLATIVE BILL 65. Placed on Select File as amended.
E & R amendments to LB 65:

1. On page 2, line 26, strike ", then" and insert "and".

2. On page 4, lines 11, 14, and 18, strike "he" and insert "it"; in lines 15 and 19, strike "his" and insert "its"; and in line 24 strike "Commissioner" and insert "State Board".

LEGISLATIVE BILL 189. Placed on Select File as amended.
E & R amendment to LB 189:

1. In the title, line 5, strike the first "public power and" and insert "irrigation divisions of".

LEGISLATIVE BILL 213. Placed on Select File as amended.
E & R amendments to LB 213:

1. On page 2, line 10, insert "or privilege" after "license"; in line 17, strike "remain" and insert "have his license or privilege"; and strike the commas in line 18.

2. Add a new section to read:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

3. In the title, line 5, insert "or privileges" after "licenses" and strike "and"; and in line 6, insert "; and to declare an emergency" after "section".

Correctly Re-engrossed

The following bills were correctly re-engrossed: 102 and 249.

Correctly Enrolled

The following bills were correctly enrolled: 20, 30, 51 and 252.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bills: 20, 30, 51, 252, and LR 11.

STANDING COMMITTEE REPORT
Labor

LEGISLATIVE BILL 193. Placed on General File.

LEGISLATIVE BILL 342. Placed on General File as amended.
Standing Committee amendments to LB 342:

1. On page 2, line 10 strike "seventy-two" and insert "eighty-nine"; in line 11 strike "forty-five" and insert "forty-nine"; in line 13 strike "forty-five" and insert "forty-nine"; and in line 19 strike "fifty-two" and insert "sixty".
2. On page 3, line 10 strike "seventy-two" and insert "eighty-nine".
3. On page 6, line 15 strike "seventy-two" and insert "eighty-nine"; in line 16 strike "forty-five" and insert "forty-nine"; in line 18 strike "forty-five" and insert "forty-nine".
4. On page 7, line 22 strike "seventy-two" and insert "eighty-nine"; in line 23 strike "forty-five" and insert "forty-nine"; in line 25 strike "forty-five" and insert "forty-nine".

(Signed) Richard Maresh, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 37.

A BILL FOR AN ACT to amend sections 81-1214, 81-1218, and 81-1219, Reissue Revised Statutes of Nebraska, 1943, relating to the Commission on Indian Affairs; to increase the membership and provide for all appointments; to change terms; to provide for a quorum; to provide for compensation; to provide for special meetings; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass.' "

Voting in the affirmative, 40:

Anderson Barnett Burbach Carpenter C. Carsten
F. Carstens Cavanaugh Clark Dickinson Duis
Epke Fowler Goodrich Hasebroock Kelly
Kennedy Keyes Kremer F. Lewis R. Lewis
Luedtke Mahoney Maresh Marsh Moylan
Murphy Nore Proud Rasmussen Richendifer
Savage Schmit Simpson Skarda Snyder
Stromer Stull Syas Whitney Wiltse

Voting in the negative, 0.

Not voting, 9:

Chambers DeCamp Fellman Johnson Kime
Marvel Stahmer Waldron Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 37A.

A BILL FOR AN ACT to appropriate six thousand three hundred dollars from the state General Fund for the period of July 1, 1973 to June 30, 1974 to the Department of Economic Development, Agency No. 72 for Program 584, Nebraska Indian Commission, to aid in carrying out the provisions of Legislative Bill 37, Eighty-third Legislature, First Session, 1973.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Anderson Barnett Burbach Carpenter C. Carsten
F. Carstens Cavanaugh Clark Dickinson Duis
Epke Fowler Goodrich Hasebroock Kelly
Kennedy Keyes Kime Kremer F. Lewis
R. Lewis Luedtke Mahoney Maresh Marsh
Moylan Murphy Nore Proud Rasmussen
Richendifer Savage Schmit Simpson Skarda
Snyder Stromer Stull Syas Whitney
Wiltse

Voting in the negative, 0.

Not voting, 8:

Chambers
DeCamp
Fellman
Johnson
Marvel
Stahmer
Waldron
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 116.

A BILL FOR AN ACT relating to courts; to provide for use of interpreters as prescribed; to define terms; to provide procedure for appointment and compensation for interpreters in proceedings; and to repeal section 33-142, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Anderson
Barnett
Burbach
C. Carsten
F. Carstens
Cavanaugh
Clark
DeCamp
Dickinson
Duis
Epke
Fowler
Goodrich
Hasebroock
Kelly
Kennedy
Keyes
Kime
Kremer
F. Lewis
R. Lewis
Luedtke
Maresh
Marsh
Moylan
Murphy
Nore
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Snyder
Stromer
Stull
Syas
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 9:

Carpenter
Chambers
Fellman
Johnson
Mahoney
Marvel
Stahmer
Waldron
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 126.

A BILL FOR AN ACT to amend sections 29-2209 and 29-2252, Revised Statutes Supplement, 1972, relating to probation officers; to allow appointment of ex-offenders as deputy probation or parole officers; to provide qualifications; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 25:

Anderson
Barnett
C. Carsten
Cavanaugh
Chambers
Clark
DeCamp
Duis
Fowler
Hasebroock
Keyes
Kremer
F. Lewis
Luedtke
Maresh
Marsh
Murphy
Savage
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Whitney

Voting in the negative, 14:

F. Carstens
Dickinson
Goodrich
Kelly
Kennedy
Kime
R. Lewis
Moylan
Proud
Rasmussen
Richendifer
Schmit
Syas
Wiltse

Not voting, 10:

Burbach
Carpenter
Epke
Fellman
Johnson
Mahoney
Marvel
Nore
Waldron
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 159. With Emergency.

A BILL FOR AN ACT to amend sections 43-504 and 43-514, Revised Statutes Supplement, 1972, relating to infants; to redefine dependent child; to change the manner in which legal settlement is determined; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Chambers
Clark
DeCamp
Duis
Epke
Goodrich
Hasebroock
Kelly
Kennedy
Keyes
Kime
Kremer
F. Lewis
R. Lewis
Luedtke
Maresh
Marsh
Moylan
Murphy
Nore
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Whitney
Wiltse

Voting in the negative, 1:

Cavanaugh

Not voting, 8:

Dickinson
Fellman
Fowler
Johnson
Mahoney
Marvel
Waldron
Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 214.

A BILL FOR AN ACT to amend sections 23-1613 and 23-2313, Reissue Revised Statutes of Nebraska, 1943, relating to counties; to eliminate a restriction; to transfer duties; to provide for reports as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
Clark
DeCamp
Dickinson
Duis
Epke
Fowler
Goodrich
Hasebroock
Kelly
Kennedy
Keyes
Kime
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Moylan
Murphy
Nore
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 5:

Fellman
Johnson
Marvel
Waldron
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 240.

A BILL FOR AN ACT to amend sections 39-782 and 39-783, Reissue Revised Statutes of Nebraska, 1943, and section 39-7,104, Revised

Statutes Supplement, 1972, relating to motor vehicles; to provide a method of approving certain equipment, components, or assemblies as prescribed; and to repeal the original sections, and also sections 39-784, 39-784.01, and 39-785, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	Clark	DeCamp
Dickinson	Duis	Epke	Fowler	Goodrich
Hasebroock	Kelly	Kennedy	Keyes	Kime
Kremer	F. Lewis	R. Lewis	Luedtke	Maresh
Marsh	Moylan	Murphy	Nore	Proud
Rasmussen	Richendifer	Savage	Schmit	Simpson
Skarda	Snyder	Stahmer	Stromer	Stull
Syas	Whitney	Wiltse		

Voting in the negative, 0.

Not voting, 6:

Fellman	Johnson	Mahoney	Marvel	Waldron
Warner				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 285.

A BILL FOR AN ACT to amend section 71-1631, Revised Statutes Supplement, 1972, relating to public health; to eliminate a restriction on the time of meetings of boards of health; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	DeCamp	Dickinson
Duis	Epke	Fowler	Goodrich	Hasebroock
Kelly	Kennedy	Keyes	Kime	Kremer
F. Lewis	R. Lewis	Luedtke	Mahoney	Maresh

Marsh Moylan Murphy Nore Proud
Rasmussen Richendifer Savage Schmit Simpson
Skarda Snyder Stahmer Stromer Stull
Syas Whitney Wiltse

Voting in the negative, 0.

Not voting, 6:

Clark Fellman Johnson Marvel Waldron
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION—Introduce Bill

Mr. Whitney moved the introduction of a new bill by the Committee on Nebraska Retirement Systems (Request No. 61). The motion prevailed with 33 ayes, 0 nays and 16 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 498. By Nebraska Retirement Systems Committee: Whitney, 44th District, Chairman; Hasebroock, 18th District; Goodrich, 20th District; Luedtke, 28th District.

A BILL FOR AN ACT to amend sections 84-1301, 84-1305, 84-1311, 84-1317, 84-1319, 84-1321, 84-1323, and 84-1503, Reissue Revised Statutes of Nebraska, 1943, relating to the State Employees Retirement System; to define terms; to provide duties of the board; to provide for disability retirement; to provide for changes in future service retirement benefits; to provide for changes for termination of employment before retirement; to provide for lump sum payments; to provide for expenses of administering the system; and to repeal the original sections.

UNANIMOUS CONSENT—Print In Journal

Mr. Stahmer asked unanimous consent to have the following letter printed in the Journal. No objections. So ordered.

February 26, 1973

The Honorable Dave Stahmer
State Senator
Capitol Building
Lincoln, Nebraska

Dear Senator Stahmer:

In the interest of eliminating the furor and discontent that has been created by your introduction of LB 300, I respectfully request that you withdraw this measure from legislative consideration.

I note with understanding the legitimate concern of the people affected by this proposal including the mass circulating of petitions and even legal actions.

I suggest all of this bitterness is not in the best interest of education nor the students affected.

Regardless of what I am sure were your good intentions, forcing District 66, Millard, and parts of the Ralston area into the Omaha school district is so frought with problems that further considerations now cannot possibly be justified.

In my opinion, all of this is unfortunately "much ado about nothing," because it is difficult to imagine how you could possibly muster 25 votes for passage of LB 300.

While I customarily reserve my decisions on legislative initiated measures until and if they are passed and forwarded to me, I feel that I have an obligation to inform you now that if LB 300, as drawn, is passed and presented to me, it will receive my prompt veto.

Before any more time, effort or bitterness is wasted on this effort, I hope you will reconsider.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:fw

Mr. Carpenter asked unanimous consent to have the following statement and amendment printed in the Journal. No objections. So ordered.

STATEMENT OF INTENT TO LB 396

The Legislature finds that the Education Amendments of 1972 to the Federal Higher Education Act of 1965 provides that the Office of Education, Department of Health, Education and Welfare will fully insure student loans for the payment of both the principal and interst for all student loans made after March 1, 1973, so that the credit of the United States is pledged; the Legislature further finds that during the past 14 three-month periods the Secretary of Health, Education and Welfare, after consultation with the Secretary of the Treasury, has set the special interest allowance rate to which holders of student loans are entitled in addition to the fixed interest return established by law, at a rate of return which is equitable considered in the light of the then current economic conditions and the particular relevant money market (fluctuating between 9 1/4% and the present 7 3/4%) and is charged by law to continue this duty; further that it will foster the investment in student loans and return to the state funds the fullest yield if all interest payments shall be credited to the fund from which the investment was made, without deductions for administrative expenses and without commercial enterprises profiting from servicing arrangements; that in view of the policy of this state contained in the 1968 amendment to the Constitution of the State of Nebraska, in Article XIII, section 3 that the state may guarantee or make student loans to Nebraska residents, that the state should foster this object by providing that state funds shall be invested in fully insured student loans, so long as they remain a prime investment, that the state investment office shall continue to make student loans with the assistance provided by the Board of Regents, and that the expenses of administration, expected to amount to the salary of three persons, shall be borne by the General Fund.

AMENDMENT TO LB 396:

Section 1. That section 72-1241, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-1241. The state investment officer shall devote his entire time and attention to the duties of his office. He shall not engage in any other occupation or profession or hold any other public office, appointive or elective. If for any reason the state investment officer is unable to perform the duties of his office, or the office is vacant due to death, resignation or otherwise, the council shall designate an acting state investment officer to serve until the state investment officer is able to act or the vacancy is filled. With the approval of the council, the state investment officer ~~may~~ shall designate ~~a deputy to perform such acts and duties as the state investment officer shall authorize, subject to the same restrictions as apply to the state investment officer~~ an assistant to assist him in administering the student loan programs. The deputy shall furnish bond in the face amount and conditioned as the bond of the state investment officer. The state investment officer shall be responsible for all official acts of his deputy.

Sec. 2. That section 72-1246, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-1246. All money made available to the state investment officer for investment may be invested in the following classes of securities after proper consideration of the requirements for the availability of such money: (1) Notes, bonds, or other obligations of the United States, or those guaranteed by or for which the credit of the United States is pledged for the payment of the principal and interest or dividends thereof or student loans fully insured by the United States for the payment of the principal and interest thereof; (2) bonds or other evidences of indebtedness of the State of Nebraska and full faith and credit obligations of, or obligations unconditionally guaranteed as to principal and interest by, any other state of the United States; (3) notes, bonds, or obligations of any municipal or political subdivision of the State of Nebraska which are general obligations of the issuer thereof and revenue bonds or debentures of any city, county or utility district of the State of Nebraska where the earnings available for debt service have, for a five-year period immediately preceding the date of purchase, averaged not less than two times such debt service requirements; (4) bonds and debentures issued either singly or collectively by any of the twelve federal land banks, the twelve intermediate credit banks or the thirteen banks for cooperatives under the supervision of the Farm Credit Administration; (5) certificates of deposit of banks which are members of the Federal Deposit Insurance Corporation except that whenever the amount deposited exceeds the amount of insurance available thereon, the excess shall be secured in the same manner as for the deposit of public funds; (6) accounts with building and loan associations or federal savings and loan associations in the State of Nebraska to the extent that such accounts are insured by the Federal Savings and Loan Insurance Corporation; (7) bonds or other interest-bearing obligations of any corporation organized under the laws of the United States or any state thereof, except that (a) at the time the purchase is made, they are given, by at least one statistical organization whose publication is in general use, a rating of AAA, AA or A, and (b) not more than five per cent of the total investment fund shall be invested in the obligations of any one issuer; (8) direct short-term obligations generally classified as commercial paper of any corporation organized under the laws of the United States or any state thereof with a net worth of ten million dollars or more; (9) long-term, low-interest loans to Nebraska residents seeking adult or post high school education at any public or private institution in this state; and (10) any security of any corporation organized under the laws of the United States or of any state thereof with a net worth of ten million dollars or more, except that (a) not more than forty per cent of the total money available for investment at the time such investment is made shall be in this class and not more than five per cent shall be invested in each of the first eight years, and (b) not more than five per cent thereof shall be invested in the securities of any one corporation. Notwithstanding the aforesaid percentage limits, the cash proceeds of the sale of such securities of any corporation may be reinvested in any securities authorized under this subdivision. The state investment officer may invest money available for investment in any fund with one or more primary carriers which shall invest such money in a manner authorized by the state investment officer.

Sec. 3. (1) The general supervision of student loan programs established under sections 72-1246 to 72-1246.05 and this section is hereby vested in the Nebraska Investment Council and the council shall provide for the administration of such loans. The council shall adopt by-laws and establish rules and regulations, from time to time, not inconsistent with the provisions of sections 72-1246 to 72-1246.05 and this section and applicable federal requirements for the administration and transaction of the student loan programs, and shall perform such other duties as may be required to administer the provisions of sections 72-1246 to 72-1246.05 and this section. It shall be the duty of the council to maintain its status as a lender eligible to administer student loans from the federal Department of Health, Education and Welfare. The state investment officer shall be charged with the duties of administering the provisions of sections 72-1246 to 72-1246.05 and this section. The council may by contract with the Board of Regents of the University of Nebraska for services in connection with the administration of such programs.

(2) The Nebraska Investment Council, out of funds available to it, shall invest in student loans fully insured by the United States for the payment of the principal and interest thereof, authorized by sections 72-1246 to 72-1246.05 and this section, so long as the investment in such securities does not impair its obligation as trustee of state funds. Should the Nebraska Investment Council conclude that it cannot lawfully invest in such securities, it shall file a report with the Clerk of the Legislature stating its reasons for such conclusion. Such student loans shall be made to Nebraska residents attending Nebraska institutions and the Nebraska Investment Council shall give preference to such loans when an investment in such loans would be equally as good as any other investment.

(3) The council shall file a report with the Clerk of the Legislature in May and November of each year, stating the number of applications for student loans and the dollar amounts requested in the previous six-month period, the number of loans granted, and the dollar amounts disbursed. Each report shall include, when the demand for student loan applications is not met by the Nebraska Investment Council, information concerning the reasons therefor and investments which were made during that period, a summary of investment, reinvestment, purchase, sale, and exchange transactions, setting forth the investments bought, sold, and exchanged, the dates of the transactions, the prices paid and obtained, stated yield and anticipated yield, maturity dates when applicable, and the probable safety of capital thereof.

Sec. 4. That section 72-1249, Revised Statutes Supplement, 1972, be amended to read as follows:

72-1249. Any expenses with respect to the purchase, sale, or exchange of any security shall be charged to the fund or funds on behalf of which such purchase, sale, or exchange was made. ~~All expenses incurred in the management of long-term investment funds shall be paid from the State Investment Officer's Cash Fund established by section 72-1249.01~~. All other expenses of the state investment officer, including the expenses of administering the student loan programs, shall be paid out of appropriations from the General Fund for the office of the state investment officer.

Sec. 5. Notwithstanding any provisions of section 3 of this act, the Nebraska Investment Council may continue to hold and administer student loans authorized by subdivision (9) of section 72-1246 prior to the effective date of this act.

Sec. 6. That original sections 72-1241 and 72-1246, Reissue Revised Statutes of Nebraska, 1943, and section 72-1249, Revised Statutes Supplement, 1972, and also section 72-1249.01, Revised Statutes Supplement, 1972, are repealed.

Sec. 7. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.

NOTICE OF COMMITTEE HEARING
Public Health and Welfare

LB 477 Tuesday, March 6, 1973 2:00 p.m.

(Signed) Thomas C. Kennedy, Chairman

MOTION—Rule Change

Mr. Stull moved to amend Rule 5, Section 5, new subsection (f) as follows: Notwithstanding any other provision contained in these rules regarding introduction of bills, no bill which only repeals sections of existing statutes as obsolete shall be counted on the bill introduction limitation and such bills may be introduced at any time without the three-fifths vote required for introduction of other bills.

Referred to the Rules Committee.

SELECT FILE

LEGISLATIVE BILL 197. Mr. C. Carsten asked unanimous consent to bracket the bill until March 1, 1973. Mr. Carpenter objected.

E & R amendments found in the Journal on page 553 for the Thirty-sixth Day were adopted.

Advanced to E & R for Engrossment.

MOTION–Introduce Bill

Mr. Barnett moved the introduction of a new bill by the Committee on Judiciary. (Request No. 787).

The motion prevailed with 30 ayes, 0 nays and 19 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 499. By Committee on Judiciary: Luedtke, 28th District, Chairman; Barnett, 26th District; Stull, 49th District; Fellman, 4th District; Carpenter, 48th District; Richendifer, 16th District; DeCamp, 40th District.

A BILL FOR AN ACT to adopt the Vietnam Veterans Education Loan Act of 1973.

LEGISLATIVE BILL 68A. By Duis, 39th District.

A BILL FOR AN ACT to appropriate twenty-five thousand five hundred forty-four dollars from the Real Estate Commission Cash Fund for the period of January 1, 1974 to June 30, 1974 to the Real Estate Commission, Agency No. 41 for Program 077, Enforcement of Standards – Real Estate, to aid in carrying out the provisions of Legislative Bill 68, Eighty-third Legislature, First Session, 1973.

UNANIMOUS CONSENT–Approve Governor Appointments

Mr. Whitney asked unanimous consent to approve the following appointments found in the Journal on page 557 for the Thirty-sixth Day in one vote. No objections. So ordered.

Richard L. DeBacker–Court of Industrial Relations
John T. Grant–Court of Industrial Relations
John H. Gabarron–Commission on Fire Fighting

Voting in the affirmative, 30:

Anderson	Burbach	Carpenter	C. Carsten	Chambers
Fowler	Goodrich	Hasebroock	Kelly	Kennedy
Keyes	Kime	F. Lewis	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Murphy	Nore
Proud	Rasmussen	Richendifer	Schmit	Simpson
Skarda	Snyder	Stahmer	Whitney	Wiltse

Voting in the negative, 0.

Not voting, 19:

Barnett
F. Carstens
Cavanaugh
Clark
DeCamp
Dickinson
Duis
Epke
Fellman
Johnson
Kremer
Marvel
Moylan
Savage
Stromer
Stull
Syas
Waldron
Warner

The appointments were confirmed with 30 ayes, 0 nays and 19 not voting.

MESSAGE FROM THE GOVERNOR

February 24, 1973

Mr. Vince Brown
Clerk of the Legislature
State House
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 57, 58, 59, and 291.

These bills were signed by me on February 24, 1973 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

NOTICE OF COMMITTEE HEARINGS

Rules Committee

The Rules Committee will meet Tuesday, February 27, 1973 at 8:30 a.m. in the Legislative Council Hearing Room 2102 for the purpose of considering amendment to Rule 4 by Mr. Luedtke and amendment to Rule 5, Sec. 1 & 5 by Mr. Duis.

(Signed) Herbert J. Duis, Chairman

Public Health and Welfare

LB 404	Cancel Monday, March 5, 1973	2:00 p.m.

(Signed) Thomas C. Kennedy, Chairman

MOTION–Place LB 177 on General File

Mr. Carpenter renewed his pending motion found in the Journal on page 528 for the Thirty-fourth Day to place LB 177 on General File notwithstanding the committee action.

The motion prevailed with 28 ayes, 0 nays and 21 not voting.

MOTION–Place LB 298 on General File

Mr. Keyes renewed his pending motion found in the Journal on page 563 for the Thirty-sixth Day to place LB 298 on General File notwithstanding the committee action.

The motion lost with 4 ayes, 10 nays and 35 not voting.

STANDING COMMITTEE REPORTS

Constitutional Revision and Recreation

LEGISLATIVE BILL 284. Placed on General File as amended.
Standing Committee amendment to LB 284:

1. On page 2, line 11 after "than" insert "eighty", reinstate "rods" and strike "each half mile".

(Signed) George Syas, Chairman

Judiciary

LEGISLATIVE BILL 162. Placed on General File as amended.
Standing Committee amendment to LB 162:

1. Reinstate the stricken matter on page 2, line 7 and 8 and strike all new matter from lines 9 to 18.

LEGISLATIVE BILL 228. Placed on General File as amended.
Standing Committee amendment to LB 228:

1. On page 2, line 14 strike "of twelve thousand five hundred dollars" and insert "as provided by section 24-339".

LEGISLATIVE BILL 317. Placed on General File as amended.
Standing Committee amendments to LB 317:

1. On page 2, line 15 after the word "licensed" insert "; Provided, that the Director of Motor Vehicles shall not assess such person with any points for such violation when the person is placed on probation therefor, unless and until the director is advised by the court that such person previously placed on probation has violated the terms of his probation and such probation has been revoked. Upon receiving notice of such revocation of probation, the director shall assess to such person the points which such person would have been assessed had the person not been placed on probation. In the event that a person successfully com-

pletes his probation and is discharged by the court, no points shall be assessed against such person for the violation which resulted in such person being placed on probation. When a person successfully completes probation and is discharged the court shall notify the director of such fact".

2. On page 2, line 26 after "reports" insert"; Provided, that the director shall not assess such person with any points for such violation when the person is placed on probation therefor, unless and until the director is advised by the court that such person previously placed on probation has violated the terms of his probation and such probation has been revoked. Upon receiving notice of such revocation of probation, the director shall assess to such person the points which such person would have been assessed had the person not been placed on probation. In the event that a person successfully completes his probation and is discharged by the court, no points shall be assessed against such person for the violation which resulted in such person being placed on probation. When a person successfully completes probation and is discharged, the court shall notify the director of such fact".

3. On page 3, line 1 after "Vehicles" insert "and the National Crime Information Center" and in line 4 after "director" insert ", the National Crime Information Center,".

LEGISLATIVE BILL 360. Placed on General File as amended.
Standing Committee amendment to LB 360:

1. On page 2, line 18 strike ", through" and on line 19 strike "the application of an element of skill, reward" and insert "allow", on line 20, strike "with" and on line 21 after the comma insert "such right to replay shall not be considered money or property; Provided, that" and on line 21 strike "if (1)" and after "game" on line 21 insert "(1)".

LEGISLATIVE BILL 380. Placed on General File as amended.
Standing Committee amendment to LB 380:

1. On page 4, line 9 after "person" insert "engaged in procuring, gathering, writing, editing, or disseminating news or other information to the public".

(Signed) Roland A. Luedtke, Chairman

Public Works

LEGISLATIVE BILL 383. Indefinitely postponed.

LEGISLATIVE BILL 230. Placed on General File as amended.
Standing Committee amendment to LB 230:

1. On page 2, line 1, after "district" insert ", except natural resource districts substantially encompassing cities of the primary or metropolitan class,"; in line 3 strike "this act" and insert "2-3201 to 2-3262"; and in line 6 after "special" insert ", general or primary".

LEGISLATIVE BILL 364. Placed on General File as amended.
Standing Committee amendments to LB 364:

1. On page 2, line 11, after "the" insert "precincts which composes the chartered territory of a district"; line 12, strike "voting" and show as stricken, strike line 13 and show as stricken, and on line 14 strike "by a public power district";and insert "territory".

2. On page 4 line 4 strike the word "sixty" and insert "seventy".

3. On page 5 line 12 after "cast" insert "for a candidate receiving the highest number of votes"; line 14 strike "votes cast" and show as stricken and insert "voters signing the list of voters books numbered one and two"; on line 16 strike "vote" and show as stricken and insert "votes for a candidate receiving the highest number of votes"; and on line 18 strike "vote" and show as stricken and insert "voters signing the list of voters books numbered one and two.".

LEGISLATIVE BILL 365. Placed on General File as amended.
Standing Committee amendments to LB 365:

1. Insert a new section 4 to read "This act shall become operative January 1, 1975.".

2. Renumber original section 4 as section 5.

LEGISLATIVE BILL 417. Placed on General File as amended.
Standing Committee amendments to LB 417:

1. On page 2 line 1 insert 2 new sections as follows:

"Section 1. That section 39-764, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-764. The operator of any vehicle involved in an accident resulting in injuries or death to any person or damage to the property of any one person, including such operator, to an apparent extent of more than ~~one~~ two hundred and fifty dollars shall within ten days, as provided by subsection (1) of section 60-505, forward a report of such accident to the Department of Motor Vehicles. The Department of Roads or Department of Motor Vehicles may require operators involved in accidents to file supplemental reports of accidents upon forms furnished by it whenever the original report is insufficient in the opinion of the department. Such reports shall be without prejudice; Provided, that all reports made by an officer of the Nebraska State Patrol, sheriffs or their deputies, police officers, and village marshals, or made to or filed with such officers in their respective offices or departments, or with, by, or to any other law enforcement agency of the state shall be open to public inspection, but accident reports filed pursuant to section 60-505 shall not be open to public inspection. The fact that such reports have been so made shall be admissible in evidence solely to prove a compliance with this section, but no such report or any part thereof or statement contained therein shall be admissible in evidence for any other purpose in any trial, civil or criminal, arising out of such accidents.

Sec. 2. That section 60-505, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-505. (1) The operator of every motor vehicle which is in any manner involved in an accident within this state, in which any person is killed or injured or in which damage to an apparent extent in excess of ~~one~~ two hundred and fifty dollars is sustained to the property of any one person, including such operator, shall within ten days report the matter in writing to the Department of Motor Vehicles. If such operator be physically incapable of making such report, the owner of the motor vehicle involved in such accident shall, within ten days from the time he learns of the accident, report the matter in writing to the department. The operator or the owner shall make such other and additional reports relating to such accident as the Department of Roads or Department of Motor Vehicles shall require.

(2) The Department of Motor Vehicles and the Department of Roads may destroy all records referred to in subsection (1) of this section relating to that portion of the report of accident retained by each such department (a) when one year shall have elapsed following the date of such accident and satisfactory evidence has been filed with the department that no action for damages arising out of such accident has been instituted during such period, or (b) after three years from the date such proof was required when, during a period of at least three years next preceding the time the department desires to destroy such a record, the department has not received a record of a conviction or a forfeiture of bail.".

2. Renumber original sections 1, 2, and 3 as sections 3, 4, and 5.

3. On page 4 line 11 strike "section" and insert "sections 39-764, 60-505, and".

(Signed) Maurice A. Kremer, Chairman

REFERENCE COMMITTEE REPORT

LB	COMMITTEE
498	Nebraska Retirement Systems
499	Judiciary

(Signed) Terry Carpenter, Chairman
Executive Board

GENERAL FILE

LEGISLATIVE BILL 231. Title read. Considered.

Standing Committee amendments found in the Journal on page 411 for the Twenty-eighth Day were read. Pending.

VISITORS

President Marsh introduced 15 Girl Scouts from Yankton, South Dakota, and their leaders, Mrs. Dallas Jorgensen and Lillian Hobbs.

President Marsh introduced 83 High School Seniors from Syracuse, Dunbar, and Avoca schools and their instructors, George D. Finnigan and Ron Meyer.

President Marsh introduced 6 Webelos from Pius X School, Omaha, and their Den Leader, Ed Teets.

President Marsh introduced 60 Sixth Grade students from Papillion Municipal School, Papillion and their instructors Mrs. Hargett and Miss Davies.

ADJOURNMENT

At 11:50 a.m., on a motion by Mr. Hasebroock, the Legislature adjourned until 9:00 a.m., Tuesday, February 27, 1973.

Vincent D. Brown
Clerk of the Legislature

THIRTY-EIGHTH DAY—FEBRUARY 27, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

THIRTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 27, 1973

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Proud presiding.

PRAYER

The prayer was offered by the Chaplain.

> O Lord our God: whose work is never done, but ever advanced by the faithful service of men and women: meet with us as we begin another day.
>
> Now that the seats in this Legislature have all been filled, and committees are meeting, and bills are being considered, and the form of legislation is being fashioned, steer us in the proper direction!
>
> Our thoughts, our aspirations, our weaknesses, our abilities, we would dare to dedicate to purposes far larger than ourselves. Share with us in the duties we take up once more that together we may make this a good week for Nebraska. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Johnson who was excused; Mr. Murphy who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-seventh Day was approved.

MESSAGES FROM THE GOVERNOR

February 26, 1973

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 24, 70, 100, 115, 107, 133, 181, 188, 191, 192, 245, and 247.

These bills were signed by me on February 24, 1973 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

February 26, 1973

Mr. Vince Brown
Clerk of the Legislature
State House
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 101, 101A, 132, 157, 169 and 227.

These bills were signed by me on February 26, 1973, and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:do

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 241. Placed on Select File as amended.
E & R amendment to LB 241:

1. In the title, strike lines 4 and 5 and insert "register of deeds; to clarify provisions; to provide when plats and subdivisions shall not be recorded; to define a term; and to repeal the".

LEGISLATIVE BILL 239. Placed on Select File as amended.
E & R amendments to LB 239:

1. In standing committee amendment 1, line 2, strike "where" and insert "when".

2. On page 5, lines 16, 17, and 19, insert an underscored comma after "city"; and in line 22, insert "into" after "entered".

3. On page 6, line 1, strike the semicolon and insert ", but"; insert an underscored comma after "city" in lines 4 and 12; strike the first comma in line 11 and the comma in line 12.

4. On page 7, line 25, insert an underscored comma after "unit".

5. For correlation purposes, on page 3, line 8, insert ", as amended by section 1, Legislative Bill 150, Eighty-third Legislature, First Session, 1973" after "1972"; and on page 7, insert:

"If an employee subject to this act suffers an injury on account of which he or, in the event of his death, his dependents would otherwise have been entitled to the benefits provided by this act, the employee or, in the event of his death, his dependents shall be entitled to the benefits provided under this act if the injury or injury resulting in death occurred within this state, or if at the time of such injury (a) the employment was principally localized within this state, (b) the employer was performing work within this state, or (c) the contract of hire was made within this state." after line 13.

6. For correlation purposes, on page 8, lines 26 and 27, and in the title, lines 3 and 4, strike "and sections 48-115 and" and insert "section"; and on page 8, line 27, and in the title, line 5, insert ", and section 48-115, Revised Supplement, 1972, as amended by section 1, Legislative Bill 150, Eighty-third Legislature, 1973" after "1972".

7. In the title, line 7, insert "to provide for the cost of county ambulance service;" after the semicolon; and in line 9, strike "units" and insert "drivers and attendants".

LEGISLATIVE BILL 337. Placed on Select File as amended.
E & R amendments to LB 337:

1. Add a new section to read:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. In the title, line 6, strike "and"; and in line 7, insert "; and to declare an emergency" after "section".

LEGISLATIVE BILL 216. Placed on Select File as amended.
E & R amendments to LB 216:

1. In line 1 of new sections 2 and 3, strike "Section" and insert "Sec.".

2. In new section 2, insert a stricken comma at the end of lines 5 and 11 as in the statutes.

3. In new section 3, line 3, insert
"It shall be the duty of such board:" and supply paragraphing to subdivision (1), both as in the statutes; and in line 9, strike the period and insert an underscored semicolon.

4. In the title, line 3, strike "section 23-2301" and insert "sections 23-2301, 23-2330, and 84-1503"; and in line 4, insert "to change procedures and duties;" after the semicolon.

LEGISLATIVE BILL 163. Placed on Select File as amended.
E & R amendments to LB 163:

1. On page 5, insert "of the" after the first "quarter" in lines 7 and 25, and after "quarter" in lines 13, 18, and 21; and in line 19, insert a comma after "quarter".

2. On page 7, line 21, strike "This" and insert "Sections 1 to 3 of this".

3. In the title, strike lines 4 to 9 and insert "certain subdivisions for park and recreation purposes; to".

LEGISLATIVE BILL 276. Placed on Select File as amended.
E & R amendment to LB 276:

1. In the title, line 4, strike "change requirements" and insert "eliminate restrictions".

LEGISLATIVE BILL 373. Placed on Select File.

LEGISLATIVE BILL 138. Placed on Select File as amended.
E & R amendments to LB 138:

1. In lieu of standing committee amendment 2, renumber original section 2 as section 3; and on page 3, line 10, strike "section 37-214.03" and insert "sections 37-214.03 and 37-214.04"; and in line 11, strike "is" and insert "are".

2. In the title, line 2, strike "section 37-214.03" and insert "sections 37-214.03 and 37-214.04"; in line 4, insert "perpetual" after "for"; in line 5, insert "to provide a residency requirement;" after the semicolon; and in line 6, strike "section" and insert "sections".

LEGISLATIVE BILL 215. Placed on Select File as amended. E & R amendments to LB 215:

1. In standing committee amendment 1, line 2, strike "above" and insert "show".
2. In the title, strike lines 5 and 6 and insert "to provide for annual audits as prescribed;".

LEGISLATIVE BILL 186. Placed on Select File as amended. E & R amendments to LB 186:

1. Renumber original section 8 as section 9 and original section 9 as section 8.
2. On page 5, lines 6 and 7 strike "as required" and reinsert the same before the comma in line 6.
3. On page 12, line 19, strike "said" and insert "such".
4. On page 13, line 14, strike "that" and insert "~~that~~ as".
5. In the title, strike everything beginning with line 8 and insert "irrigation; to clarify and harmonize provisions; to delete obsolete matters; to make certain acts unlawful; to provide penalties; to provide powers and duties; to provide for the removal or repair of dams; and to repeal the original sections.".

LEGISLATIVE BILL 206. Placed on Select File as amended. E & R amendments to LB 206:

1. On page 3, line 23, insert an underscored comma after "control".
2. Renumber section 7, added by standing committee amendment 1, as section 3, and original sections 3 to 7 as sections 4 to 8, respectively.
3. In new section 3, line 7, strike the first "or" and insert "~~or~~"; and in line 13, strike "such accounts" and insert "deposits therein".
4. On page 7, line 15, insert an underscored comma after "finds".
5. On page 8, insert an underscored comma after "determine" in line 8 and after "method" in line 9; in line 17, strike "this act" and insert "sections 2-3252 to 2-3254"; and in line 23 strike the first comma and insert "and".
6. On page 9, line 12, strike "; and the" and insert ". The"; and in line 21 insert "certified" after "be" and strike the same in line 22.
7. On page 10, line 1, strike "and".
8. On page 12, line 15, strike "where" and insert "in which assessed".

9. In lieu of standing committee amendment 2, on page 13, insert "2-3227," at the end of line 26.

10. On page 13, line 27, and in the title, line 2, strike "2-3752" and insert "2-3252".

11. In the title, line 2, insert "2-3227," after the second comma; in line 6 strike "districts"; in line 7 strike "to" and insert "of"; in line 8 insert "to provide for investments;" after the semicolon; and insert "and assessments" at the end of line 10.

LEGISLATIVE BILL 224. Placed on Select File.

LEGISLATIVE BILL 330. Placed on Select File as amended.
E & R amendment to LB 330:

1. In the title, line 8, strike "Authority" and insert "Registration".

LEGISLATIVE BILL 263. Placed on Select File as amended.
E & R amendment to LB 263:

1. On page 3, line 11, strike "and" and insert "~~and~~".

LEGISLATIVE BILL 391. Placed on Select File as amended.
E & R amendment to LB 391:

1. On page 5, line 10, strike "and" and insert "~~and~~".

LEGISLATIVE BILL 246. Placed on Select File as amended.
E & R amendments to LB 246:

1. In lieu of standing committee amendment 2, on page 7, line 22, insert "plus five per cent thereof for administration" after "property".

2. In standing committee amendment 3, line 1, strike "those" and insert "cost".

3. On page 8, line 27, strike "charge" and insert "such charges".

4. On page 9, line 5, insert " available for investment" after "Fund".

LEGISLATIVE BILL 335. Placed on Select File as amended.
E & R amendment to LB 335:

1. In the title, line 7, strike "2-1507.04" and insert "2-1517.04".

LEGISLATIVE BILL 167. Placed on Select File as amended.
E & R amendments to LB 167:

1. In lieu of the new period added by standing committee amendment 2, on page 3, line 14, insert an underscored semicolon after "section".

2. On page 3, line 9, insert "or" after the comma.

3. On page 4, line 4, strike "(d)" and insert "~~(d)~~".

4. On page 4, line 20, in lieu of the standing committee amendment thereto, strike "(f), or (g)" and insert "~~(f), or (g)~~ (h)".

5. On page 10, line 3, strike the comma.

6. In standing committee amendment 6, line 2, strike "line 17 after 'unit' " and insert "at the end of line 17"; in line 7 strike the commas"; in line 10 insert an underscored semicolon after the period; and in line 10 after "and" insert "strike the new matter and".

LEGISLATIVE BILL 296. Placed on Select File as amended.
E & R amendments to LB 296:

1. On page 2, line 16, strike "means" and insert "shall mean"; and in line 19, insert a comma after "Nebraska".

2. On page 4, line 4, strike "is" and insert "shall be".

3. On page 5, line 21, strike "affect" and insert "effect".

4. On page 6, line 1, strike "such" and insert "his"; in line 10, insert a comma after "value"; and in line 24, insert "the" after "to".

5. On page 7, line 8, strike "act" and insert "section"; in line 14, strike "in this section provided" and insert "provided in this section"; in line 18, strike "is" and insert "shall be"; in line 20, strike "ceases" and insert "shall cease"; in line 22, strike "vests" and insert "shall vest"; in line 25, strike "becomes" and insert "shall become"; and in line 27, strike "has" and insert "have".

6. On page 8, line 1, strike "is" and insert "be"; in line 10, strike "corporations" and insert "corporation"; in line 13, strike "However, the" and insert "The"; in line 18, insert a comma after "thereof"; in line 21, strike "are" and insert "shall be"; in line 24, strike the third comma; and in line 25, insert a comma after "directors".

LEGISLATIVE BILL 390. Placed on Select File as amended.
E & R amendments to LB 390:

1. Renumber the new section added by standing

committee amendment 3 as section 1 and original section 1 as section 2.

2. In new section 1, line 7, strike "thirty" and insert "~~thirty~~ forty-five".

3. In standing committee amendment 4, line 2, strike "44-516 and 44-379.01" and insert "44-379.01 and 44-516".

4. In the title, line 2, strike "section" and insert "sections 44-379.01 and"; in line 5 insert "to harmonize provisions;" after the second semicolon; and strike lines 6 and 7 and insert "repeal the original sections.".

LEGISLATIVE BILL 34. Placed on Select File as amended.
E & R amendment to LB 34:

1. In the title, line 6, insert "May 30 as Memorial Day and" after "designate".

UNANIMOUS CONSENT—Change of Order

Mr. Burbach asked unanimous consent to consider LB 76 on General File at this time. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 76. Title read. Considered.

Standing Committee amendments found in the Journal on page 445 for the Twenty-ninth Day were adopted.

Mr. Burbach offered the following amendment which was adopted:
Add the Emergency Clause.

Advanced to E & R for Review with 42 ayes, 0 nays and 7 not voting.

Mr. Burbach asked unanimous consent to expedite LB 76. No objections. So ordered.

UNANIMOUS CONSENT—Member Excused

Mr. Burbach asked unanimous consent to be excused for the remainder of the morning. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 12.

A BILL FOR AN ACT relating to cities of the metropolitan class; to state legislative findings; to provide for the election of city council men by districts as prescribed; to change the time of elections; to provide duties and procedure; to amend sections 14-201, 14-204, 14-205, 14-206, 14-207, 14-209, and 14-216, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original sections, and also section 14-217, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 27:

Anderson
Barnett
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
DeCamp
Dickinson
Duis
Fellman
Fowler
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Nore
Rasmussen
Schmit
Simpson
Skarda
Stahmer
Waldron

Voting in the negative, 15:

Goodrich
Hasebroock
Kennedy
Keyes
Kime
Moylan
Proud
Richendifer
Savage
Snyder
Stromer
Stull
Syas
Warner
Wiltse

Not voting, 7:

Burbach
Clark
Epke
Johnson
Kelly
Murphy
Whitney

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 14.

A BILL FOR AN ACT to amend section 60-439, Reissue Revised Statutes of Nebraska, 1943, and section 84-205, Revised Statutes Suppelement, 1972, relating to state officers; to provide for agency legal counsel in the Nebraska State Patrol; and to repeal the original sections.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 33:

Barnett Carpenter C. Carsten F. Carstens Cavanaugh
Chambers DeCamp Duis Fellman Fowler
Goodrich Hasebroock Kelly Kremer F. Lewis
R. Lewis Luedtke Marsh Marvel Moylan
Nore Proud Rasmussen Savage Schmit
Simpson Skarda Stahmer Stull Syas
Waldron Warner Wiltse

Voting in the negative, 7:

Clark Epke Kennedy Maresh Richendifer
Snyder Whitney

Not voting, 9:

Anderson Burbach Dickinson Johnson Keyes
Kime Mahoney Murphy Stromer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 14A.

A BILL FOR AN ACT to appropriate sixty thousand one hundred twenty-one dollars from the state General Fund for the period of July 1, 1973 to June 30, 1974 to the State Patrol, Agency No. 64 for Program 190, criminal investigation, to aid in carrying out the provisions of Legislative Bill 14, Eighty-third Legislature, First Session, 1973.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Barnett Carpenter C. Carsten F. Carstens Cavanaugh
Chambers DeCamp Duis Fellman Fowler
Goodrich Hasebroock Kelly Keyes Kime
Kremer F. Lewis R. Lewis Luedtke Marsh
Marvel Moylan Nore Proud Rasmussen
Savage Schmit Simpson Skarda Stahmer
Stull Syas Waldron Warner Wiltse

Voting in the negative, 8:

Clark Epke Kennedy Maresh Richendifer
Snyder Stromer Whitney

Not voting, 6:

Anderson
Burbach
Dickinson
Johnson
Mahoney
Murphy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 32.

A BILL FOR AN ACT to amend sections 83-210.03, 83-210.04, and 83-210.05, Reissue Revised Statutes of Nebraska, 1943, relating to blind persons; to authorize the operation of vending businesses in county, city or municipally-owned property; to provide duties for the Director of Public Institutions; and to repeal the original sections.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Anderson
Barnett
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
Clark
DeCamp
Dickinson
Duis
Epke
Fellman
Fowler
Goodrich
Hasebroock
Kelly
Kennedy
Keyes
Kime
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Nore
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 4:

Burbach
Johnson
Murphy
Syas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 71. With Emergency.

A BILL FOR AN ACT relating to cities; to grant the governing body of any city concurrent and joint jurisdiction over any street which is contiguous to and forms a common boundary between such city and any county or municipality; and to declare an emergency.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Anderson	Barnett	Carpenter	C. Carsten	F. Carstens
Cavanaugh	Chambers	Clark	DeCamp	Dickinson
Duis	Epke	Fellman	Fowler	Goodrich
Hasebroock	Kelly	Kennedy	Keyes	Kime
Kremer	F. Lewis	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Moylan	Nore	Proud
Rasmussen	Richendifer	Savage	Schmit	Simpson
Skarda	Snyder	Stahmer	Stromer	Stull
Syas	Waldron	Warner	Whitney	Wiltse

Voting in the negative, 0.

Not voting, 4:

Burbach	Johnson	Marvel	Murphy

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 103. With Emergency.

A BILL FOR AN ACT to amend sections 18-1901, 18-1903, and 18-1905, Reissue Revised Statutes of Nebraska, 1943, relating to the plumbing board; to make provisions permissive for cities of the primary class; to increase the size of the board and change its composition and terms of members; to provide exceptions; to change provisions for calling meetings; to repeal the original sections; and to declare an emergency.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Anderson	Barnett	Carpenter	C. Carsten	F. Carstens
Cavanaugh	Chambers	Clark	DeCamp	Dickinson
Duis	Epke	Fellman	Fowler	Goodrich
Hasebroock	Kelly	Kennedy	Keyes	Kime
Kremer	F. Lewis	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Moylan	Nore
Proud	Rasmussen	Richendifer	Savage	Schmit
Simpson	Skarda	Snyder	Stahmer	Stromer

Stull Syas Waldron Warner Whitney
Wiltse

Voting in the negative, 0.

Not voting, 3:

Burbach Johnson Murphy

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 176.

A BILL FOR AN ACT relating to motor vehicles; to provide special license plates for paraplegics without payment of any fee as prescribed.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Anderson Carpenter C. Carsten F. Carstens Cavanaugh
Chambers Clark DeCamp Dickinson Duis
Epke Fellman Fowler Goodrich Hasebroock
Kelly Kennedy Kime F. Lewis R. Lewis
Luedtke Mahoney Maresh Marsh Marvel
Nore Proud Rasmussen Richendifer Savage
Schmit Simpson Skarda Snyder Stahmer
Stromer Stull Whitney Wiltse

Voting in the negative, 0.

Not voting, 10:

Barnett Burbach Johnson Keyes Kremer
Moylan Murphy Syas Waldron Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 178.

A BILL FOR AN ACT to amend section 2-1213, Reissue Revised Statutes of Nebraska, 1943, relating to horse racing; to require the holding of races limited to Nebraska-bred horses; to define a term; to make certain acts unlawful; to provide penalties; and to repeal the original section.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Anderson
Barnett
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
Clark
DeCamp
Dickinson
Duis
Epke
Fellman
Fowler
Goodrich
Hasebroock
Kelly
Kennedy
Keyes
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Nore
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Wiltse

Voting in the negative, 1:

Whitney

Not voting, 4:

Burbach
Johnson
Kime
Murphy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on February 27, 1973 at 9:25 a.m. the following: LB 20, LB 30, LB 51, and LB 252.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 197.

Correctly Enrolled

The following bills were correctly enrolled: 37, 37A, 116, 126, 159, 214, 240 and 285.

(Signed) John J. Cavanaugh, Chairman

SPEAKER SIGNS

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 37, 37A, 116, 126, 159, 214, 240 and 285.

NOTICE OF COMMITTEE HEARINGS

Committee on Committees

February 27, 1973

The Committees will meet at 1:00 p.m. Thursday, March 8, 1973, for the purpose of hearing the following appointments submitted by Governor J. James Exon:

John Shoemaker – Power Review Board
Claude L. Jelen – Power Review Board
Jack Lederman – Power Review Board

(Signed) Ramey C. Whitney, Chairman

Miscellaneous Subjects

LB 494	Thursday, March 15, 1973	1:30 p.m.

(Signed) J. James Waldron, Chairman

Government, Military and Veteran's Affairs

LB 187	Cancel Thursday, March 8, 1973	2:00 p.m.
LB 187	Reset Thursday, March 15, 1973	2:00 p.m.

(Signed) Ernie Chambers, Chairman

ANNOUNCEMENT

Mr. Carpenter announced the Executive Board will meet today at 1:00 p.m. in the Legislative Council Hearing Room.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 336A. By Duis, 39th District.

A BILL FOR AN ACT to appropriate eighty-two thousand six hundred sixty dollars from the state General Fund for the period of July 1, 1973 to

June 30, 1974 to the State Department of Education, Agency No. 13 for Program 403, School for the Trainable Retarded, to aid in carrying out the provisions of Legislative Bill 336, Eighty-third Legislature, First Session, 1973.

LEGISLATIVE BILL 13A. By Schmit, 23rd District.

A BILL FOR AN ACT to appropriate two hundred sixteen thousand eight hundred fifty dollars from the state General Fund for the period of July 1, 1973 to June 30, 1974 to the Nebraska State Patrol, Agency No. 64 for Program 190, Criminal Investigation, to aid in carrying out the provisions of Legislative Bill 13, Eighty-third Legislature, First Session, 1973.

LEGISLATIVE BILL 77A. By Schmit, 23rd District.

A BILL FOR AN ACT to appropriate two hundred twenty-one thousand four hundred twenty dollars from the state General Fund for the period of July 1, 1973 to June 30, 1974 to the Nebraska State Patrol, Agency No. 64 for Program 190, Criminal Investigation, to aid in carrying out the provisions of Legislative Bill 77, Eighty-third Legislature, First Session, 1973.

SELECT FILE

LEGISLATIVE BILL 201A. E & R amendment found in the Journal on page 568 for the Thirty-seventh Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 65. E & R amendments found in the Journal on page 568 for the Thirty-seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 189. E & R amendment found in the Journal on page 568 for the Thirty-seventh Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 213. E & R amendments found in the Journal on page 568 for the Thirty-seventh Day were adopted.

Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 76. Placed on Select File as amended.

E & R amendments to LB 76:

1. In standing committee amendment 2, line 1, insert "on page 2," after the semicolon.

2. Add a new section to read:

"Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

3. In the title, line 2, strike "section" and insert "sections 2-1207 and"; in line 5, strike "and"; and in line 5, strike "section" and insert "sections; and to declare an emergency".

(Signed) John J. Cavanaugh, Chairman

UNANIMOUS CONSENT—Change of Order

Mr. Cavanaugh asked unanimous consent to consider LB 76 on Select File at this time. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 76. E & R amendments found in today's Journal were adopted.

Advanced to E & R for Engrossment.

MOTION—Return LB 166 to Select File

Mr. Carpenter moved to return LB 166 to Select File for the following specific amendments:

1. On page 5, line 4, reinstate the stricken matter and strike the new matter.

2. On page 17, line 6, reinstate the stricken word and immediately thereafter insert "or".

3. In lieu of standing committee amendment 15, on page 17, line 17, insert "or share" after "withdrawal".

The motion prevailed with 26 ayes, 0 nays and 23 not voting.

SELECT FILE

LEGISLATIVE BILL 166. The Carpenter specific amendments found in today's Journal were adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Re-engrossment.

NOTICE OF COMMITTEE HEARING
Education

LB 109 Monday, March 12, 1973 2:00 p.m.

(Signed) Jerome Warner, Chairman

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 168. Indefinitely postponed.

LEGISLATIVE BILL 229. Indefinitely postponed.

LEGISLATIVE BILL 386. Indefinitely postponed.

LEGISLATIVE BILL 407. Indefinitely postponed.

LEGISLATIVE BILL 145. Placed on General File.

LEGISLATIVE BILL 148. Placed on General File as amended.
Standing Committee amendment to LB 148:

1. On page 2, line 20 after "district" insert: "; Provided, that no county shall pay tuition for any nonresident who is a ward of the court or state".

LEGISLATIVE BILL 248. Placed on General File.

LEGISLATIVE BILL 275. Placed on General File as amended.
Standing Committee amendment to LB 275:

1. On page 2 line 14 strike "Environmental Design" and insert "Architectural and Planning"; in line 15 after the semicolon insert "and"; in line 16 strike the semicolon and insert a period and strike the rest of the line and all of lines 17 and 18.

LEGISLATIVE BILL 278. Placed on General File.

LEGISLATIVE BILL 355. Placed on General File.

LEGISLATIVE BILL 395. Placed on General File.

(Signed) Jerome Warner, Chairman

GENERAL FILE

LEGISLATIVE BILL 104. Bracketed until March 6 at the request of Mr. Syas.

LEGISLATIVE BILL 112. Title read. Considered.

The Marsh pending amendment found in the Journal on page 390 for the Twenty-sixth Day was adopted.

The Marsh pending amendments found in the Journal on page 399 for the Twenty-seventh Day were adopted.

Mr. Kelly offered the following amendments which were adopted:
Page 5 – L 13 strike "then no"
Page 5 – L 14 Strike "complaint shall be filed with"
Page 5 – L 14 Add after commission "shall be notified"

Page 6 – Line 9 Strike entire line
Page 6 – Line 10 Strike entire line
Page 6 – Line 23 Strike "whenever possible"
Page 6 – Line 23 Add "shall be"

Page 7 – Line 26 Strike "may"
Page 7 – Line 26 Add "shall"

Page 8 – Line 18 Strike "thousand"
Page 8 – Line 18 Add "hundred"
Page 8 – Line 19 Strike "one year"
Page 8 – Line 19 Add "30 days"

Page 9 – Line 2 Strike "Office of the Commission or such place as may"
Page 9 – Line 3 Strike entire line
Page 9 – Line 4 Strike entire line
Page 9 – Line 5 Strike entire line
Page 9 – Line 6 Strike entire line
Page 9 - Line 8 Strike "the executive director"
Page 9 – Line 9 Strike "of the Commission or"
Page 9 – Line 14 Strike "shall be excluded"
Page 9 – Line 14 Add "may be included"

Page 11 – Line 7 Strike "employment"
Page 11 – Line 7 Add "discriminatory"

Mr. Carpenter asked unanimous consent to have the bill printed and placed on the members' desks with the amendments that have been adopted incorporated therein. No objections. So ordered.

LEGISLATIVE BILL 68. Considered.

Mr. Carpenter offered the following amendments:

1. On page 5 line 16 after "therein" strike ", and not" and insert "; Provided, that such regular employees shall not perform any of the acts described in subdivision (2) of section 1 of this act"; in line 16 strike "whole or partial"; in line 21 after "lessor" insert "or the services rendered by any attorney at law in the performance of his duty as such attorney at law".

2. On page 6 line 21 strike "four" and insert "five"; strike the comma after "Governor" and insert a period; strike line 22 and "districts were constituted on January 1, 1961."; in line 23 strike "All" and insert "Four".

3. On page 7 line 1 after "years" strike the period and insert "such members shall be appointed by the Governor, one from each of the four congressional districts as the districts were constituted on January 1, 1961. The remaining member shall be appointed at large and shall be representative of the public."; in line 4 after "appointed." insert "Within thirty days after the effective date of this act the Governor shall appoint the at large member for a term of six years from the effective date of this act."; in line 12 strike "three" and insert "four".

Amendments pending.

Mr. Duis asked unanimous consent to bracket LB 68, LB 68A and LB 86 until March 6. No objections. So ordered.

Mr. Carpenter asked unanimous consent to print the following Duis and Carpenter amendments to LB 86 in the Journal. No objections. So ordered.

Carpenter amendments to LB 86:

1. On page 2, line 26 strike "financial institution" and insert "building and loan association or small loan company".

2. On page 3, line 9 strike the comma, add a period and strike line 10.

3. On page 6, line 1 strike "(4)"; in line 7 after "writing" strike the rest of the line and insert a period; in line 8 strike all except "He"; in line 9 strike "minimum"; in line 11 strike "twenty-five" and insert "nineteen"; strike lines 14 to 16; in line 17 strike "(b)" and insert "(3)", insert a semicolon after "diploma", strike the line; strike lines 18 to 20; in line 21 strike "(a)"; in line 23 strike "and"; and strike lines 24 and 25.

4. On page 7 strike lines 2 to 4; in line 5 strike "(b)" and insert "(a)"; strike lines 8 to 11; in line 12 strike "(d)" and insert "(b)"; in line 18 strike "moral"; in line 19 after "integrity" strike the rest of the line and insert a period; and strike lines 20 to 27.

5. On page 8, line 1 strike "7" and insert "6"; in line 2 strike "fifty" and insert "one hundred"; strike lines 7 to 12; in line 13 strike "(2)" and insert "Sec. 7."; in line 14 strike "thirty" and insert "sixty"; in line 15 strike "formal" and insert "public"; in line 17 strike "10" and insert "9"; and strike lines 19 to 26.

6. On page 9 strike lines 1 and 2; in line 3 strike "9" and insert "8"; in line 13, strike "10" and insert "9"; in line 20 strike "material misrepresentation" and insert "false statement"; in line 25 strike "formal" and insert "public"; in line 26 strike "8" and insert "7".

7. On page 10, strike line 1 and in line 2 strike "licensee"; in line 25 strike "nonresident real estate" and in line 26 strike "without hearing".

8. On page 11, line 1 strike all after "and"; in line 2 strike "person in this state, or" and "any".

9. On page 12 strike lines 15 and 16; in line 17 strike "(d)" and insert "(c)"; in line 20 strike "(e)" and insert "(d)"; strike lines 22 to 25; in line 26 strike "(g)" and insert "(e)".

10. On page 13, line 4 strike "(h)" and insert "(f)"; in line 8 after ";" insert "or"; in line 9 strike "(i)" and insert "(g)"; in line 12 strike "; or" and insert a period; in line 15 strike "11" and insert "10"; in line 19 strike all after the period and all of lines 20 to 22.

11. On page 14, line 1 strike "a duly licensed"; in line 13 after "application" insert a period and strike the rest of the line; in line 14 strike "12" and insert "11".

12. On page 15 after line 5 insert a new section as follows:

"Sec. 12. Any person who has had a real estate broker's license for ten years or more as of July 1, 1974 shall be eligible to obtain an appraiser's license without examination.".

Duis amendments to LB 86:

Amend Section 2 (1) by inserting a new subdivision at line 6, page 3, to read:

(c) Any agency of the state government or political subdivision which appraises real estate for tax purposes.

Amend Section 2 by inserting a new subdivision (4) at line 13, page 3, to read;

(4) Any person or any employee thereof, who renders an estimate or opinion of value of real estate or or any interest therein when such estimate or opinion of value is for the purpose of real estate taxation.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 76.

(Signed) John J. Cavanaugh, Chairman

STANDING COMMITTEE REPORT
Government, Military and Veteran's Affairs

LEGISLATIVE BILL 22. Placed on General File as amended.

Standing Committee amendments to LB 22:

1. Insert a new section 1 to read as follows:

"Section 1. That section 3-503, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

3-503. (1) Any city creating an authority shall by resolution or resolutions, convey or transfer to it any existing airport or any other property of the city for use in connection with a project, including real and personal property owned or leased by the city and used or useful in connection therewith. In case of real property so conveyed, the title thereto shall remain in the city, but the authority shall have the use and occupancy thereof for so long as its corporate existence shall continue. In the case of personal property so conveyed, the title shall pass to the authority. Any conveyance of an existing airport shall be subject to any leases or agreements duly and validly made by the city affecting such airports or the property so conveyed; Provided, that any such lease or agreement which is inconsistent with the ability of the authority to issue negotiable bonds may be renegotiated by the authority.

(2) Such city may acquire by purchase or condemnation real property in the name of the city for the projects or for the widening of existing roads, streets, parkways, avenues, or highways, or for new roads, streets, parkways, avenues, or highways to a project, or partly for such purposes and partly for other city purposes, by purchase or condemnation in the manner provided by law for the acquisition of real property by such city. Such city may also close any roads, streets, parkways, avenues, or highways as may be necessary or convenient to facilitate the construction or operation of a project.

(3) Contracts may be entered into between the city and an authority, or between other political subdivisions of the State of Nebraska and such city or authority, or between each and any of them, providing for the conveyance of property to such city or authority for use in connection with a project, and for the closing of streets, roads, parkways, avenues, or highways. The amounts, terms, and conditions of payment if any shall be made by such city or authority in connection with such conveyances. Such contracts may also contain covenants by such city, or such political subdivision, as to the road, street, parkway, avenue, or highway improvements to be made by such city or such political subdivision. Any city council may authorize such contracts between the city and the authority by resolution, and no other authorization on the part of such city for such contracts shall be necessary. All obligations of such city for the payment of money to an authority incurred in carrying out the provisions of this act shall be included in and provided for by each annual budget of such city thereafter made until fully discharged. In the case of other political subdivisions of the state, such contracts shall be authorized as provided by law.

(4) An authority operating under the provisions of this act may acquire real property for a project in the name of the city in which it was established at the cost and expense of the authority by purchase or

condemnation pursuant to the laws relating to the condemnation of land by cities and subdivision (4) of section 3-504. The authority shall have the use and occupancy of such real property so long as its corporate existence shall continue.

(5) In case an authority shall have the use and occupancy of any real property which it shall determine is no longer required for a project then, if such real property was acquired at the cost and expense of the city, the authority shall have the power to surrender its use and occupancy thereof to the city. If such real property was acquired at the cost and expense of the authority, then the authority shall have power to sell, lease, or otherwise dispose of said real property. Such authority shall retain the proceeds of sale, rentals, or other money derived from the disposition thereof for its corporate purposes.".

2. Renumber section 1 as "Sec. 2.".

3. On page 2, strike the new matter beginning with "This ' in line 16 and insert: "Such power shall not be exercised by authorities of cities of the primary, first and second classes and of villages created after the effective date of this act, without further approval, until such time as at least three members of the authority have been elected. If the exercise of such power is necessary while three or more appointed members remain on the authority of cities of the primary, first and second classes and of villages, the appointing body shall approve all proceedings under this subdivision;".

4. On page 7, insert a new section as follows:

"Sec. 3. That section 3-612, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

3-612. (1) Any county creating an authority shall by resolution or resolutions, convey or transfer to it any existing airport or any other property of the county for use in connection with a project, including real and personal property owned or leased by the county and used or useful in connection therewith. In case of real property so conveyed, the title thereto shall remain in the county, but the authority shall have the use and occupancy thereof for so long as its corporate existence shall continue. In the case of personal property so conveyed, the title shall pass to the authority. Any conveyance of an existing airport shall be subject to any leases or agreements duly and validly made by the county affecting such airport or the property so conveyed; Provided, that any such lease or agreement which is inconsistent with the ability of the authority to issue negotiable bonds may be renegotiated by the authority.

(2) Such county may acquire by purchase or condemnation real property in the name of the county for the projects or for the widening of existing roads,

streets, parkways, avenues, or highways, or for new roads, streets, parkways, avenues, or highways to a project, or partly for such purposes and partly for other county purposes, by purchase or condemnation in the manner provided by law for the acquisition of real property by such county. Such county may also close any roads, streets, parkways, avenues, or highways as may be necessary or convenient to facilitate the construction or operation of a project.

(3) Contracts may be entered into between the county and an authority, or between other political subdivisions of the State of Nebraska and such county or authority, or between each and any of them, providing for the conveyance of property to such county or authority for use in connection with a project, and for the closing of streets, roads, parkways, avenues, or highways. The amounts, terms, and conditions of payment if any shall be made by such county or authority in connection with such conveyances. Such contracts may also contain covenants by such county, or such political subdivision, as to the road, street, parkway, avenue, or highway improvements to be made by such county or such political subdivision. Any county board may authorize such contracts between the county and the authority by resolution, and no other authorization on the part of such county for such contracts shall be necessary. All obligations of such county for the payment of money to an authority incurred in carrying out the provisions of sections 3-601 to 3-622 shall be included in and provided for by each annual budget of such county thereafter made until fully discharged. In the case of other political subdivisions of the state, such contracts shall be authorized as provided by law.

(4) An authority operating under the provisions of sections 3-601 to 3-622 may acquire real property for a project in the name of the county in which it was established at the cost and expense of the authority by purchase or condemnation pursuant to the laws relating to the condemnation of land by counties and subdivision (4) of section 3-613. The authority shall have the use and occupancy of such real property so long as its corporate existence shall continue.

(5) In case an authority shall have the use and occupancy of any real property which it shall determine is no longer required for a project then, if such real property was acquired at the cost and expense of the county, the authority shall have the power to surrender its use and occupancy thereof to the county. If such real property was acquired at the cost and expense of the authority, then the authority shall have power to sell, lease, or otherwise dispose of such real property. Such authority shall retain the proceeds of sale, rentals, or other money derived from the disposition thereof for its

corporate purposes.".

5. Renumber section 2 as "Sec. 4.".

6. On page 7, strike the new matter beginning with "This" in line 16 and insert: "Such power shall not be exercised by authorities created after the effective date of this act, without further approval, until such time as three or more members of the authority have been elected. If the exercise of such power is necessary while three or more appointed members remain on the authority, the appointing body shall approve all proceedings under this subdivision;".

7. On page 11, insert a new section as follows:

"Sec. 5. That section 3-706, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

3-706. (1) Any political subdivision participating in the creation of a joint authority may, by resolution or resolutions, convey or transfer to it in accordance with the provisions of the agreement, any existing airport or any other property of such political subdivision for use in connection with a project, including real and personal property owned or leased by such political subdivision and used or useful in connection therewith. The title to any such property shall pass to the joint authority. Any conveyance of an existing airport shall be subject to any leases or agreements duly and validly made by the political subdivision affecting such airports or the property so conveyed, but any such lease or agreement which is inconsistent with the ability of the joint authority to issue negotiable bonds may be renegotiated by the authority.

(2) Any county, city, or village participating in the creation of a joint authority may acquire by purchase or condemnation real property in its name for the project or for the widening of existing roads, streets, parkways, avenues, or highways, or for new roads, streets, parkways, avenues, or highways to a project, or partly for such purposes, by purchase or condemnation in the manner provided in sections 76-704 to 76-724. Such county, city, or village may also close any roads, streets, parkways, avenues, or highways as may be necessary or convenient to facilitate the construction or operation of a project.

(3) Contracts may be entered into between any political subdivision and a joint authority, or between other public bodies of the State of Nebraska and such political subdivision or joint authority, or between each and any of them, providing for the conveyance of property to such political subdivision or joint authority for use in connection with a project, and for the closing of streets, roads, parkways, avenues, or highways. The amounts, terms, and conditions of payment, if any, shall

be prescribed by such political subdivision or joint authority in connection with such conveyances. Such contracts may also contain covenants by such political subdivision or such public body as to the road, street, parkway, avenue, or highway improvements to be made by such political subdivision or such public body. The governing body of any political subdivision may authorize such contracts between such political subdivision and the joint authority by resolution, and no other authorization on the part of such political subdivision for such contracts shall be necessary. All obligations of any county, city, or village for the payment of money to a joint authority incurred in carrying out the provisions of sections 3-701 to 3-716 shall be included in and provided for by each annual budget of any county, city, or village thereafter made until fully discharged. In the case of other public bodies of the state, such contracts shall be authorized as provided by law.

(4) A joint authority operating under the provisions of sections 3-701 to 3-716 may acquire real property for a project in its own name at the cost and expense of the joint authority by purchase or condemnation pursuant to the provisions of sections 76-704 to 76-724 and subdivision (4) of section 3-707. The joint authority shall have the use and occupancy of such real property for so long as its corporate existence shall continue.

(5) If a joint authority shall have the use and occupancy of any real property which it shall determine is no longer required for a project the joint authority shall have power to sell, lease, or otherwise dispose thereof. Such joint authority shall retain the proceeds of sale, rentals, or other money derived from the disposition thereof for its corporate purposes.".

8. Renumber section 3 as "Sec. 6.".

9. On page 11, line 26, strike the new matter beginning with "This"; and on page 12, strike the new matter in lines 1 through 4 and insert: "Such power shall not be exercised by authorities created after the effective date of this act, without further approval, until such time as three or more members of the authority have been elected. If the exercise of such power is necessary while three or more appointed members remain on the authority, the appointing body shall approve all proceedings under this subdivision;".

10. On page 16, line 15, renumber section 4 as "Sec. 7."; after "sections" insert "3-503,"; after "3-504," insert "3-612,"; in line 16 before "and" insert "3-706,".

(Signed) Ernie Chambers, Chairman

Rules

Amendment to Rule 4:
adopted as printed in Legislative Journal, pages 302, 303, 418 & 419, except Sec. 7, line 3, after "or unless" insert "the Clerk of the Legislature determines that".

Amendment to Rule 5, Sec. 1 & 5:
adopted as printed in Legislative Journal, pages 419, 528 & 529.

(Signed) Herbert Duis, Chairman

MOTION—Rule Change

Mr. Syas offered the following rule change:

Amend Rule 6, Sec. 4 & 5 to read as follows:

Sec. 4. Select File. When the Legislature considers bills on Select File, any of the following motions shall be in order.

(a) A motion to approve or reject any or all of the changes recommended by the Chairman of Enrollment and Review.

(b) A motion to adopt ~~a unanimous consent~~ an amendment, ~~to which no objection shall be offered. When a motion is made to adopt a unanimous consent amendment, the mover shall be required to explain the amendment sought~~ which shall require a majority of those voting.

(c) A motion to recommit to the proper standing committee.

~~(d) A motion to recommit to General File for one or more specific amendments. If such a motion is adopted, the bill shall be transferred forthwith to the head of the General File where consideration of the specific amendment shall be the first order of business on that file. After disposition of the amendment, the bill may be readvanced to Enrollment and Review for any action which could originally have taken place. If the bill is readvanced, it shall be given priority consideration by the Chairman of Enrollment and Review. If the bill is not altered, it may be advanced to Enrollment and Review for engrossment.~~

(d) ~~(e)~~ A motion to postpone indefinitely.

(e) ~~(f)~~ Motions made pursuant to subsections c, ~~d,~~ and e hereof may be adopted only upon the affirmative vote of a majority of the elected members.

(f) Amendments recommended by Enrollment and Review shall not be read by the Clerk except upon the request of a member of the Legislature.

(g) Notwithstanding any other provision contained in this section, if the Enrollment and Review Committee returns a bill to Select File from engrossment, then only the specific enrollment and review amendments may be considered.

The following votes shall be required to adopt the following motions affecting bills on Select File:

SELECT FILE

Motion to advance to E & R for Engrossing	MEM	
if machine vote requested	MEM	6-4d-30

Motion to act on E & R Amendment	MTV 6-4a-30
Motion to amend ~~by unanimous consent~~	~~UC~~ MTV 6-4b-30
Motion to recommit to a Standing Committee	MEM 6-4d-30
~~Motion to return to General File for any amendments~~	~~MEM 6-4d-30~~
Motion to Indefinitely Postpone	MEM 6-4e-31
On bill returned from E & R Engrossing & Final Reading	
Motion to return for specific amendment	MEM 6-5-31
~~Motion to adopt specific amendment~~	~~MEM 6-5-31~~

Sec. 5. Return to Select File. On a motion to return a bill to Select File. On a motion to return a bill to Select File for a specific amendment, a majority of the elected members must concur. ~~No other amendment shall be considered when the bill is so returned~~. Such amendment when considered may be adopted by a majority of those voting on said motion. Any other amendments may be considered and adopted by a majority of those voting.

Referred to the Rules Committee.

UNANIMOUS CONSENT–Unbracket LB 184

Mr. DeCamp asked unanimous consent to unbracket LB 184 on General File and consider it at this time. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 184. Mr. DeCamp renewed his pending motion to indefinitely postpone, found in the Journal on page 508 for the Thirty-third Day.

The motion prevailed with 27 ayes, 13 nays and 9 not voting.

LEGISLATIVE BILL 231. Considered.

Standing Committee amendments found in the Journal on page 411 for the Twenty-eighth Day were adopted.

MR. WHITNEY PRESIDING

Mr. F. Lewis offered the following amendment, which was adopted:

Amend LB 231, Section 2 to insert after the word "farmsteads" the following words: "consisting of more than 20 acres and with $1000 market valuation."

Mr. F. Lewis moved to advance LB 231 to E & R for Review.

Mr. F. Lewis moved for a Call of the House. The motion prevailed with 21 ayes, 7 nays and 21 not voting.

Mr. Savage moved the Call be raised. The motion prevailed with 31 ayes, 0 nays and 18 not voting.

LB 231 was advanced to E & R for Review with 26 ayes, 10 nays and 13 not voting.

LEGISLATIVE BILL 339. Considered.

The Carpenter pending amendment found in the Journal on page 562 for the Thirty-sixth Day failed with 9 ayes, 20 nays and 20 not voting.

Advanced to E & R for Review with 34 ayes, 0 nays and 15 not voting.

SPEAKER PROUD PRESIDING

MOTION—Suspend Rules

Mr. Luedtke moved to suspend the rules to introduce 5 new bills by the Committee on Judiciary. (Request No's 448, 449, 684, 582 and 683).

The motion prevailed with 32 ayes, 0 nays and 17 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 500. By Judiciary Committee: Luedtke, 28th District, Chairman; Stull, 49th District; Carpenter, 48th District; Barnett, 26th District; Fellman, 4th District; DeCamp, 40th District and Richendifer, 16th District.

A BILL FOR AN ACT relating to criminal procedure; to provide for pleading an alibi as a defense as prescribed.

LEGISLATIVE BILL 501. By Judiciary Committee: Luedtke, 28th District, Chairman; Stull, 49th District; Carpenter, 48th District; Chambers, 11th District; Richendifer, 16th District; Barnett, 26th District and DeCamp, 40th District.

A BILL FOR AN ACT to amend sections 29-2203 and 83-323, Reissue Revised Statutes of Nebraska, 1943, relating to defense of insanity; to provide the procedure when the defense of insanity is pleaded as prescribed; to prescribe duties; and to repeal the original sections.

LEGISLATIVE BILL 502. By Judiciary Committee: Luedtke, 28th District, Chairman; Stull, 49th District; Carpenter, 48th District; Barnett, 26th District; DeCamp, 40th District; Fellman, 4th District; Chambers, 11th District and Richendifer, 16th District.

A BILL FOR AN ACT to amend sections 29-1804.04, 29-1805.01, 29-1805.04, 29-1805.06 to 29-1805.08, and 29-1805.10, Revised Statutes Supplement, 1972, relating to the public defender; to provide for a district public defender and his election; to provide office space for a district public defender, and his equipment; to provide qualifications of a district public defender and his salary; to redefine indigent; to provide persons entitled to representation; to provide for application for the district public defender to represent them; to provide for appointments of counsel other than district public defender; to provide for a state public defender and his election, his duties, and salary; to repeal the original sections, and also sections 29-1804, 29-1804.03, and 29-1804.05 to 29-1804.12, Revised Statutes Supplement, 1972; and to declare an emergency.

LEGISLATIVE BILL 503. By Judiciary Committee: Luedtke, 28th District, Chairman; Stull, 49th District; Carpenter, 48th District; Chambers, 11th District; Richendifer, 16th District; Barnett, 26th District and DeCamp, 40th District.

A BILL FOR AN ACT to amend section 25-511, Revised Statutes Supplement, 1972, relating to corporations; to change provisions relating to service of summons; and to repeal the original section.

LEGISLATIVE BILL 504. By Judiciary Committee: Luedtke, 28th District, Chairman; Stull, 49th District; Carpenter, 48th District; Barnett, 26th District; Richendifer, 16th District; DeCamp, 40th District; Fellman, 4th District and Chambers, 11th District.

A BILL FOR AN ACT to amend sections 25-1240, 25-1242, 25-1267.01, 25-1267.04, 25-1267.05, 25-1267.10, 25-1267.12, 25-1267.25, 25-1267.34, and 25-1267.35, Reissue Revised Statutes of Nebraska, 1943, and sections 25-1222.02 and 25-1267.23, Revised Statutes Supplement, 1972, relating to court procedure; to provide for the presentation of deposition testimony by videotape; to provide rules and procedures for taking depositions by videotape; and to repeal the original sections.

NOTICE OF COMMITTEE HEARING
Committee on Committees

February 27, 1973

The Committee on Committees will meet at 1:00 p.m., Monday, March 12, 1973, for the purpose of hearing the following appointments submitted by Governor J. James Exon:

Dr. William C. Peters – Director of Personnel
John L. Sullivan – Director, Department of Motor Vehicles

(Signed) Ramey C. Whitney, Chairman

STANDING COMMITTEE REPORT
Agriculture and Environment

LEGISLATIVE BILL 254. Placed on General File as amended.
Standing Committee amendments to LB 254:

1. On page 7, line 18 strike "; and" and show as stricken, in line 24 after "obtained" insert "; and" and after line 24 insert the following:

"(25) To develop and enforce compliance schedules under such conditions as the director may prescribe, consistent with the standards, rules and regulations, adopted by the council, to prevent, control or abate pollution".

2. On page 10, line 9 reinstate the stricken matter; in line 10 strike "Villages"; in lines 12 and 13 reinstate "cities and"; and in lines 15 and 16 reinstate "cities and".

(Signed) Loran Schmit, Chairman

REFERENCE COMMITTEE REPORT

LB	Committee
500	Judiciary
501	Judiciary
502	Judiciary
503	Judiciary
504	Judiciary

(Signed) Terry Carpenter, Chairman
Executive Board

UNANIMOUS CONSENT—Print in Journal

Mr. Stahmer asked unanimous consent to have the following letter printed in the Journal. No objections. So ordered.

February 27, 1973

Honorable Members of the
Nebraska Professional Practices Commission
233 South 10th Street
Lincoln, Nebraska 68508

Dear Members:

I, Senator David H. Stahmer of the 8th Legislative District of the State of Nebraska, do hereby file an official complaint against Mr. H. Vaughn Phelps, Superintendent of Schools, School District 66, Douglas County, Nebraska.

On or about February 9th, 1973 said Mr. Phelps did request of Mr. Ed Fischer, Editorial Cartoonist of the Omaha World Herald, the original drawing of a cartoon depicting me in a very uncomplimentary light. When I asked Mr. Fischer personally for the original of the cartoon, he said he would have been glad to give it to me, except that said Mr. Phelps had requested it, and that it was delivered to Mr. Phelps.

I believe it is beneath the dignity of the teaching profession of this state to allow a person held out to be a professional to display in his office or in his home so that he might join together with whomever he associates with to laugh at my expense.

As a duly elected State Senator, it is a difficult enough decision trying to vote on the merits of legislation concerning children, schools, and professions without having ones mind unnecessarily and additionally agitated by what I consider to be an unprofessional act.

I believe said cartoon rightfully belongs in my home for my own amusement.

Sincerely,

(Signed) David H. Stahmer
Senator, 8th District

DHS:mlm

ANNOUNCEMENT

Mr. Barnett announced that the Government, Military and Veteran's Affairs Committee would meet at 12:45 p.m. today in executive session.

STANDING COMMITTEE REPORT
Public Health and Welfare

LEGISLATIVE BILL 5. Placed on General File as amended.
Standing Committee amendment to LB 5:

1. On page 2 line 5 insert "by the use of chemical industry" after "body"; line 6 insert "cosmetic or" before "grooming"; line 12 strike "facial" and insert "face"; and on line 15 strike "cosmetic" and insert "chemical and toiletry".

(Signed) Thomas C. Kennedy, Chairman

VISITORS

Speaker Proud introduced 54 seniors from Gibbon Public School, Gibbon and teachers Messrs. Monte Standage and John Foster.

Speaker Proud introduced 60 Juniors from Papillion High School, Papillion and teachers.

ADJOURNMENT

At 11:55 a.m., on a motion by Mr. Hasebroock, the Legislature adjourned until 9:00 a.m., Wednesday, February 28, 1973.

Vincent D. Brown
Clerk of the Legislature

THIRTY-NINTH DAY—FEBRUARY 28, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

THIRTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 28, 1973

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mr. Whitney presiding.

PRAYER

The prayer was offered by the Chaplain.

> Our Father who art in heaven, we acknowledge that Thou dost govern in the affairs of men. And if a sparrow cannot fall to the ground without Thy notice, how can we think Thou art indifferent to what we say and do here?
>
> If this day Thou dost want us to do or not to do any particular thing, we pray that Thou wilt make it plain to us, for Thou knowest how blind we can be and how stubborn, in our own intentions. We pray for Thy help in our thinking and Thy love in our hearts. Through Jesus Christ. Amen.

ROLL CALL

The roll was called and all member were present except Mr. Johnson who was excused; Messrs. Fellman and Stahmer who were excused until 9:30 a.m.; Mr. Proud who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-eighth Day was approved.

ANNOUNCEMENT

The Clerk announced that on Thursday, March 1 at 8:30 a.m., in observance of Nebraska Day 1973, a special program will be presented in the Legislative Chamber.

ATTORNEY GENERAL OPINION

February 27, 1973

Senator Herbert J. Duis
Nebraska State Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Senator Duis:

In your letter of February 26, 1973, you state that a non-profit organization in Gothenburg is purchasing vacant land in order that it may be used to promote industry within the community. You state that the organization is required to pay taxes on the vacant land which it owns, and that this is a burden on it, since it is a non-profit organization. You ask whether legislation could be introduced which would make such land owned by a non-profit development corporation tax exempt. We conclude that such a statute would be in violation of Article VIII, Section 2 of the Nebraska Constitution.

This section of the constitution provides in part:

> "* * *. The Legislature by general law may exempt property owned by and used exclusively for agricultural and horticultural societies, and property owned and used exclusively for educational, religious, charitable, or cemetery purposes, when such property is not owned or used for financial gain or profit to either the owner or user. * * *. No property shall be exempt from taxation except as provided in the Constitution. * * *."

The property in question, as you have described it in your letter, would not be used for financial gain or profit by either the owner or user. However, by no stretch of the imagination could the holding of this land by the non-profit organization be described as being for educational, religious, charitable, or cemetery purposes, which is a requisite for a tax exemption under this provision of the constitution. We therefore conclude that any attempt to exempt such real estate from taxation while it was being held for development in the manner outlined in your letter would be in violation of the above quoted section of the Nebraska Constitution.

Very truly yours,

CLARENCE A. H. MEYER
Attorney General

(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:jc
cc: Vincent Brown

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 65. Replaced on Select File as amended.
E & R amendments to LB 65:

1. On page 6, strike the new matter in lines 26 and 27 and insert the same after "semester" in line 26.
2. On page 7, line 3, insert "or first half year" after "semester".

Correctly Re-engrossed

The following bill was correctly re-engrossed: 166.

Correctly Engrossed

The following bills were correctly engrossed: 189, 201A and 213.

Correctly Enrolled

The following bills were correctly enrolled: 12, 14, 14A, 32, 71, 103, 176 and 178.

(Signed) John J. Cavanaugh, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on February 28, 1973 at 8:45 a.m. the following: LB 37, LB 37A, LB 116, LB 126, LB 159, LB 214, LB 240 and LB 285.

(Signed) Barbara Jackson, Enrolling Clerk

NOTICE OF COMMITTEE HEARING
Agriculture and Environment

LB 400	Thursday, March 16, 1973	2:00 p.m.
LB 497	Thursday, March 16, 1973	2:00 p.m.

(Signed) Loran Schmit, Chairman

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 165.

A BILL FOR AN ACT to amend sections 8-403.01, 8-403.02, 8-403.03, 8-405, 8-408, 8-408.01, 8-408.03, 8-410, 8-410.01, 8-411, 8-412, 8-413, 8-414, 8-435, 8-439, 8-440, and 8-444, Reissue Revised Statutes of Nebraska, 1943, and section 8-451, Revised Statutes Supplement, 1972, relating to industrial loan and investment companies; to revise, modernize, and rearrange provisions; to provide penalties; and to repeal the original sections, and also section 8-415, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Anderson
Barnett
Burbach
C. Carsten
F. Carstens
Cavanaugh
Chambers
Clark
DeCamp
Dickinson
Duis
Epke
Fellman
Fowler
Goodrich
Hasebroock
Kelly
Kennedy
Keyes
Kime
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Nore
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Snyder
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 4:

Carpenter
Johnson
Proud
Stahmer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION—Suspend Rules

Mr. Waldron moved to suspend the rules to introduce five new bills by the Committee on Miscellaneous Subjects (Request No's. 793, 782, 783, 799, 786). The motion prevailed with 30 ayes, 4 nays and 15 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 505. By Speaker Proud at the request of the Governor.

A BILL FOR AN ACT to appropriate two million three hundred twenty thousand nine hundred thirty dollars from the state General Fund for the period ending June 30, 1973 to the Department of Environmental Control, Agency No. 84 for Program 518, Waste Water Treatment Facilities, to provide the state's share of participation in the Federal Water Pollution Control Act, Public Law 660, as amended.

LEGISLATIVE BILL 506. By Miscellaneous Subjects Committee: Waldron, 42nd District, Chairman; Carpenter, 48th District; Skarda, 7th District; Mahoney, 5th District; F. Lewis, 45th District.

A BILL FOR AN ACT to amend sections 81-8,266 and 81-8,267, Revised Statutes Supplement, 1972, relating to the Commission on Mexican-Americans; to provide for meetings at least monthly; to increase compensation; and to repeal the original sections.

LEGISLATIVE BILL 507. By Miscellaneous Subjects Committee: Waldron, 42nd District, Chairman; Mahoney, 5th District; Murphy, 17th District; Luedtke, 28th District; Skarda, 7th District.

A BILL FOR AN ACT to amend section 25-1267.37, Reissue Revised Statutes of Nebraska, 1943, relating to civil procedure in the district court; to extend the time for the required answering of written interrogatories; and to repeal the original section.

LEGISLATIVE BILL 508. By Miscellaneous Subjects Committee: Waldron, 42nd District, Chairman; Mahoney, 5th District; Murphy, 17th District; Skarda, 7th District; Cavanauth, 9th District.

A BILL FOR AN ACT to amend section 19-901, Reissue Revised Statutes of Nebraska, 1943, relating to cities and villages, particular classes; to provide that a comprehensive development plan serve as a guide as prescribed; and to repeal the original section.

LEGISLATIVE BILL 509. By Miscellaneous Subjects Committee: Waldron, 42nd District, Chairman; Carpenter, 48th District; Mahoney, 5th District; Skarda, 7th District; Cavanaugh, 9th District.

A BILL FOR AN ACT to cities and villages, all; to repeal section 18-1711, Reissue Revised Statutes of Nebraska, 1943, as obsolete.

LEGISLATIVE BILL 510. By Miscellaneous Subjects Committee: Waldron, 42nd District, Chairman; Cavanaugh, 9th District; Carpenter, 48th District; Mahoney, 5th District; Skarda, 7th District.

A BILL FOR AN ACT to amend section 77-2602, Revised Statutes Supplement, 1972, relating to taxes; to provide for placement of the interest in the Lincoln Field House Fund into the General Fund as prescribed; and to repeal the original section.

SPEAKER PROUD PRESIDING

SELECT FILE

LEGISLATIVE BILL 241. E & R amendment found in the Journal on page 589 for the Thirty-eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 239. E & R amendments found in the Journal on page 589 for the Thirty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 337. E & R amendments found in the Journal on page 590 for the Thirty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 216. E & R amendments found in the Journal on page 591 for the Thirty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 163. E & R amendments found in the Journal on page 591 for the Thirty-eighth Day were adopted.

Mr. Kremer offered the following amendments which were adopted by unanimous consent:

1. On page 7 lines 19 and 20 strike "The transfer of real estate described shall be made on July 1, 1973.".
2. On page 7 line 21 after "5." insert "Sections 1 to 3 of" and strike "This" and insert "this".

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 276. E & R amendment found in the Journal on page 591 for the Thirty-eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 373. Mr. F. Carstens offered the following amendment which was adopted by unanimous consent:

Whenever a municipality has enacted an ordinance creating a special assessment district, it shall be the duty of such municipality to file a copy of such ordinance in the office of the register of deeds of the county.

Advanced to E & R for Engrossment.

MR. SIMPSON PRESIDING

LEGISLATIVE BILL 138. E & R amendments found in the Journal on page 591 for the Thirty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 215. E & R amendments found in the Journal on page 592 for the Thirty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 186. E & R amendments found in the Journal on page 592 for the Thirty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 206. E & R amendments found in the Journal on page 592 for the Thirty-eighth Day were adopted.

Mr. Kennedy offered the following amendment which was adopted by unanimous consent:

Amend LB-206 in Section 6, page 13 by deleting "half of one" line 13.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 224. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 330. E & R amendment found in the Journal on page 593 for the Thirty-eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 263. E & R amendment found in the Journal on page 593 for the Thirty-eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 391. E & R amendment found in the Journal on page 593 for the Thirty-eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 246. E & R amendments found in the Journal on page 593 for the Thirty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 335. E & R amendment found in the Journal on page 593 for the Thirty-eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 167. E & R amendments found in the Journal on page 593 for the Thirty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 296. E & R amendments found in the Journal on page 594 for the Thirty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 390. E & R amendments found in the Journal on page 594 for the Thirty-eighth Day were adopted.

Mr. Carpenter asked unanimous consent to withdraw his amendment changing 30 to 45, adopted on February 23. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 34. E & R amendment found in the Journal on page 595 for the Thirty-eighth Day was adopted.

Advanced to E & R for Engrossment.

MOTIONS—Introduce Bills

Mr. Kennedy moved the introduction of a new bill by the Committee on Public Health and Welfare (Request No. 764).

Mr. Kennedy moved for a Call of the House. The motion prevailed with 18 ayes, 3 nays and 28 not voting.

The Call showed 43 members present.

Mr. Kennedy moved the Call be raised. The motion prevailed with 27 ayes, 0 nays and 22 not voting.

The Kennedy motion prevailed with 35 ayes, 0 nays and 14 not voting.

Mr. Kennedy moved the introduction of a new bill by the Committee on Public Health and Welfare (Request No. 749). The motion prevailed with 31 ayes, 2 nays and 16 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 511. By Public Health and Welfare Committee: Kennedy, 21st District, Chairman; Goodrich, 20th District; Maresh, 32nd District; Cavanaugh, 9th District; F. Lewis, 45th District; R. Lewis, 38th District; Schmit, 23rd District.

A BILL FOR AN ACT relating to public welfare; to create a Division of Social Services; to provide for administration of public assistance as prescribed; and to declare an emergency.

LEGISLATIVE BILL 512. By Public Health and Welfare Committee: Kennedy, 21st District, Chairman; Maresh, 32nd District; Goodrich, 20th District; Cavanaugh, 9th District; F. Lewis, 45th District; R. Lewis, 38th District; Schmit, 23rd District.

A BILL FOR AN ACT to amend section 71-2705, Reissue Revised Statutes of Nebraska, 1943, relating to public health; to set the age qualification for massage practice at nineteen; and to repeal the original section.

NOTICE OF COMMITTEE HEARING
Judiciary

LB 500	Tuesday, March 6, 1973	2:00 p.m.
LB 501	Tuesday, March 6, 1973	2:00 p.m.
LB 502	Tuesday, March 6, 1973	2:00 p.m.
LB 504	Tuesday, March 6, 1973	2:00 p.m.
LB 499	Wednesday, March 7, 1973	2:00 p.m.
LB 503	Wednesday, March 7, 1973	2:00 p.m.

(Signed) Roland A. Luedtke, Chairman

REFERENCE COMMITTEE REPORT

LB	**Committee**
LB 412	Re-referred from Education Committee to General File
LB 413	Re-referred from Education Committee to General File
LB 429	Re-referred from Education Committee to General File

LB 430	Re-referred from Education Committee to General File
LB 435	Re-referred from Education Committee to General File

(Signed) Terry Carpenter, Chairman

SPEAKER PROUD PRESIDING

MOTION—Rule Changes

Mr. Duis moved the adoption of the Rule Changes as referred to on page 614 of the Journal for the Thirty-eighth Day relating to Rule 4 and Rule 5, Sec. 1 and 5.

The Rule Change to Rule 4 was adopted with 34 ayes, 0 nays and 15 not voting.

The Rule Change to Rule 5, Sec. 1 was adopted with 32 ayes, 0 nays and 17 not voting.

The Rule Change to Rule 5, Sec. 5 was adopted with 34 ayes, 0 nays and 15 not voting.

ANNOUNCEMENT

Mr. Duis moved the Rules Committee meeting will be held on March 8, 1973.

UNANIMOUS CONSENT—Withdraw Motion

Mr. Carpenter asked unanimous consent to withdraw his pending motion to place LB 229 on General File found in the Journal on page 545 for the Thirty-fifth Day. No objections. So ordered.

MOTION—Place LB 229 on General File

Mr. Carpenter moved to place LB 229 on General File notwithstanding the committee action.

Mr. Carpenter requested a roll call vote.

Voting in the affirmative, 22:

Anderson
Burbach
Carpenter
Cavanaugh
Clark
DeCamp
Duis
Fellman
Fowler
Hasebroock
Kime
Mahoney
Maresh
Marsh
Moylan
Proud
Richendifer
Savage
Simpson
Skarda
Stahmer
Whitney

Voting in the negative, 20:

Barnett
Goodrich
Murphy
Stromer
C. Carsten
Kelly
Nore
Stull
F. Carstens
Keyes
Rasmussen
Syas
Dickinson
R. Lewis
Schmit
Warner
Epke
Luedtke
Snyder
Wiltse

Not voting, 7:

Chambers
Marvel
Johnson
Waldron
Kennedy
Kremer
F. Lewis

The motion lost with 22 ayes, 20 nays and 7 not voting.

UNANIMOUS CONSENT–Print in Journal

Mr. Waldron asked unanimous consent to have the following amendment to LB 68 printed in the Journal. No objections. So ordered.

Amend Section 4, Subsection 3, Page 5, Line 25, by deleting the semicolon and inserting "or as a witness in any judicial proceeding or other proceeding conducted by the state or any governmental subdivision or agency."

REFERENCE COMMITTEE REPORT

LB	Committee
505	Appropriations
506	Miscellaneous Subjects
507	Miscellaneous Subjects
508	Miscellaneous Subjects
509	Miscellaneous Subjects
510	Miscellaneous Subjects
511	Public Health and Welfare
512	Public Health and Welfare

(Signed) Terry Carpenter, Chairman

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 305. Indefinitely postponed.

LEGISLATIVE BILL 164. Placed on General File as amended. (Standing Committee amendments are printed and available in the Clerk's office.)

LEGISLATIVE BILL 309. Placed on General File as amended.
Standing Committee amendments to LB 309:

1. On page 2 insert a new section which reads as follows:

"Section 1. That section 44-403, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-403. This section shall apply to only those policies and contracts issued prior to the operative date defined in section 44-407.07 (the Standard Nonforfeiture Law). All such valuations made by the Department of Insurance, or by its authority, shall be according to the standard of valuation adopted by the company, which standard shall be stated in its annual report to the department. Such standard of valuation, whether on the net level premium, preliminary term, any modified preliminary term, or select and ultimate reserve basis, for all such policies issued after July 17, 1913, shall be according to the American Experience or Actuaries' Table of Mortality, with not less than three and not more than four per cent compound interest. When the preliminary term basis is used it shall not exceed one year. Insurance against total and permanent mental or physical disability resulting from accident or disease, or against accidental death, combined with a policy of life insurance, shall be valued on the basis of the mean reserve, being one half of the additional annual premium charged therefor. Except as otherwise provided in subdivision (b) of section 44-404 for all annuities and pure endowments purchased on or after the operative date of such subdivision (b) under group annuity and pure endowment contracts, the ~~The~~ legal minimum standard for the valuation of annuities shall be McClintock's Table of Mortality Among Annuitants, or the American Experience Table of Mortality, with compound interest at three and one half per cent per annum, but annuities deferred ten or more years, and written in connection with life or term insurance, shall be valued on the same mortality table from which the consideration or premiums were computed, with compound interest not higher than three and one half per cent per annum. The legal standard for the valuation of industrial policies shall be the American Experience Table of Mortality, with compound interest at not less than three nor more than three and one half per cent per annum; Provided, any life insurance company may voluntarily value its industrial policies written on the weekly payment plan according to the Standard Industrial Mortality Table or the Substandard Industrial Mortality Table. Reserves for all such policies and contracts may be calculated, at the option of the company, according to any standards which produce greater aggregate reserves for all such policies and contracts than the minimum reserves required by this section.".

2. Renumber sections 1 to 4 as sections 2 to 5, respectively.

3. On page 2 at the end of line 7 strike the period and insert: "; except as otherwise provided in subdivision (b) of this section for all annuities and pure endownments purchased on or after the operative date of such subdivision (b) under group annuity and pure endowment contracts issued prior to said operative date defined in section 44-407.07.".

4. On page 13, line 3 insert "44-403," after "sections".

LEGISLATIVE BILL 405. Placed on General File as amended.
Standing Committee amendments to LB 405:

1. Strike lines 4 to 19 and insert the following:

"44-221. Except as herein provided, such notes and the indebtedness which they represent shall not be a liability or claim against any of the assets of the company. The principal of such notes may ~~shall~~ be paid from time to time, either in full or in part, from available surplus funds of the company only when the amount of the surplus of the company over all liabilities is double that of ~~such~~ the principal then ~~unpaid~~ being paid. The corporation shall have the right to make such ~~repayment~~ repayments whenever it shall be able to do so; Provided, the corporation first receives the prior approval of the Director of Insurance for any such repayments. The director shall use the standards set forth in sections 44-2101 through 44-2119 relating to adequacy of surplus in determining whether or not to approve such repayments. The interest on such notes shall only be payable from the surplus and shall not exceed such sum as may be fixed, nor in any case six per cent per annum. Upon a dissolution of the company, the principal and accrued and unpaid interest shall be payable from the surplus.".

LEGISLATIVE BILL 406. Placed on General File as amended.
Standing Committee amendment to LB 406:

1. On page 2, lines 16 and 17, reinstate the stricken matter and strike "savings account or deposits" on line 17; line 21, after "invest" insert "up to five per cent of their assets", and after "stock" insert "or other securities"; on line 23, strike all language after "Nebraska;"; strike lines 24 to 27, and insert "; Provided, that the insurance company shall be approved by the Department of Banking as well as the Department of Insurance and shall transact no other insurance business except the insuring of accounts in building and loan associations.".

LEGISLATIVE BILL 425. Placed on General File as amended.
Standing Committee amendment to LB 425:

1. Page 3, strike lines 7 through 17 and insert the following:

"Sec. 4. Any domestic insurer who transacts any unauthorized act of insurance business as regulated by this act shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not more than ten thousand dollars.".

(Signed) Fred W. Carstens, Chairman

SPEAKER SIGNS

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 12, 14, 14A, 32, 71, 103, 176 and 178.

NOTICE OF COMMITTEE HEARING
Public Health and Welfare

LB 511	Monday, March 12, 1973	2:00 p.m.
LB 512	Monday, March 12, 1973	2:00 p.m.

(Signed) Thomas C. Kennedy, Chairman

GENERAL FILE

LEGISLATIVE BILL 351. Considered.

Mr. Carpenter asked unanimous consent to withdraw his pending amendments found in the Journal on page 562 for the Thirty-sixth Day. No objections. So ordered.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE,BILL 112. Considered.

Mr. Kelly offered the following amendment, which was adopted:
Amend LB 112, page 8, line 26 insert after "the" "in the county of the alleged discrimination".

Mr. Murphy offered the following amendment:
Page 10, line 21, strike the words "ninety days", and insert "3 days" written notice, with copy to the party complained against.

Mr. Carpenter moved to amend the Murphy amendment from 3 days to 10 days.

The Carpenter amendment was adopted.

The Murphy amendment, as amended, was adopted.

Advanced to E & R for Review with 25 ayes, 11 nays and 13 not voting.

LEGISLATIVE BILL 13A. Title read. Considered.

Mr. Schmit moved to advance LB 13A to E & R for Review.

Mr. Schmit moved for a Call of the House. The motion prevailed with 24 ayes, 5 nays and 20 not voting.

Mr. Carpenter moved the Call be raised. The motion prevailed with 29 ayes, 0 nays and 20 not voting.

LB 13A was advanced to E & R for Review with 26 ayes, 10 nays and 13 not voting.

LEGISLATIVE BILL 77A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 11 nays and 13 not voting.

UNANIMOUS CONSENT–Bracket LB 246

Mr. Carpenter asked unanimous consent to bracket LB 246 on E & R Final. No objections. So ordered.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 112A. By Marsh, 29th District.

A BILL FOR AN ACT to appropriate eleven thousand six hundred eighty-three dollars from the state General Fund for the period of July 1, 1973 to June 30, 1974 to the Equal Opportunity Commission, Agency No. 67 for Program 059, Enforcement of Standards, to aid in carrying out the provisions of Legislative Bill 112, Eighty-third Legislature, First Session, 1973.

VISITORS

Mr. Whitney introduced 17 Junior High School students from Robin Mickle Jr. High School, Lincoln and Mr. David E. Schuman.

Speaker Proud introduced 21 Seniors and 4 sponsors from Prague P.S. No. 104, Prague, and Mr. Kenneth Jensen, teacher.

Speaker Proud introduced 60 students from Meadow Lane School, Lincoln and Mrs. Sederburg and Mrs. Foote, teachers.

Speaker Proud introduced 22 2nd grade students from Park School, Lincoln and Gladys Pieper and Richard Springer, teachers.

ADJOURNMENT

At 12:08 p.m., on a motion by Mr. Hasebroock, the Legislature adjourned until 9:15 a.m., Thursday, March 1, 1973.

Vincent D. Brown
Clerk of the Legislature

FORTIETH DAY–MARCH 1, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

FORTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 1, 1973

Pursuant to adjournment, the Legislature met at 9:15 a.m., Speaker Proud presiding.

PRAYER

Prayer was offered by the Chaplain.

> Almighty God, before whose face the generations of men rise and pass away, we thank you this day for the opportunity of celebrating the birthday of our State. We remember in gratitude this native land–and all who have sacrificed so much to keep her strong and right.
>
> We are thankful that our land was born and nurtured in liberty, and that those who settled on these plains were men and women who desired the opportunity to build here a better place in which all could live together in harmony and justice.
>
> We are thankful that when there have been dangers before our State there have been those who have risen to defend her–placing their State's welfare above private gain.
>
> So may this Nebraska celebration remind us anew of the importance of a continuing heritage, served by the Senators here and those who assist them, and by all the people of the State, that together we may have a sense that this land is not only our land, but your land, of the people, for the people, and by the people. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Johnson and Goodrich who were excused; Messrs. DeCamp, Fellman, Luedtke and Stahmer who were excused until they arrive; Mr. Warner who was excused until 9:45; and Mr. Chambers who was excused until 11:00.

MESSAGE FROM THE GOVERNOR

February 26, 1973

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Senators:

This is to inform your honorable body that I have made the following appointment requiring legislative confirmation:

> Don O. Bridge, 102 Bridge Road, Norfolk, Nebraska 68701–to the Game and Parks Commission for a five year term expiring January 15, 1978

I respectfully submit this appointment for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

COMMUNICATION

February 27, 1973

Mr. Vincent D. Brown
Clerk of the Legislature
State House
Lincoln, Nebraska 68509

Dear Mr. Brown:

Attached is a map of the State Highway System of Nebraska as of January 1, 1973. A copy of this map is being filed with the Legislature as required in Section 39-1311, "Reissue Revised Statutes 1943".

Four extra copies of the map are attached for your use and distribution. Should you have need for additional copies, they will be supplied upon request.

Very truly yours,

DEPARTMENT OF ROADS

(Signed) C. F. Nutter
Deputy State Engineer-
Engineering Services

CFNutter/
LLBrown:ms
Attachments

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on March 1, 1973 at 9:10 a.m. the following: LB 12, LB 14, LB 14A, LB 32, LB 71, LB 103, LB 176, and LB 178.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 241. Replaced on Select File as amended.
E & R amendment to LB 241:
1. In the title, line 2, strike "2-1507" and insert "2-1506".

LEGISLATIVE BILL 239. Replaced on Select File as amended.
E & R amendment to LB 239:
1. In line 5 of E & R amendment 6, insert "Statutes" after "Revised"; and in line 6 insert "First Session," after the second comma.

LEGISLATIVE BILL 216. Replaced on Select File as amended.
E & R amendment to LB 216:
1. In the title, line 4, insert ", 1943" after "Nebraska".

LEGISLATIVE BILL 373. Replaced on Select File as amended.
E & R amendments to LB 373:
1. Insert the matter added by the F. Carstens amendment as a new section 2 and supply paragraphing to line 1 thereof.
2. In the title, line 5, insert "; and to require filing of copies of prescribed ordinances in the office of the register of deeds" after "occupancy".

LEGISLATIVE BILL 186. Replaced on Select File as amended.
E & R amendment to LB 186:
1. On page 13, line 12, strike the comma and show the same as stricken.

LEGISLATIVE BILL 206. Replaced on Select File as amended.
E & R amendment to LB 206:
1. In the Kennedy amendment, insert "and show the same as stricken" before the period.

LEGISLATIVE BILL 390. Replaced on Select File as amended.
E & R amendment to LB 390:

1. Strike E & R amendment 2, adopted 2/28/73.

LEGISLATIVE BILL 231. Placed on Select File as amended.
E & R amendments to LB 231:

1. In standing committee amendment 1, line 1, strike "page 4" and insert "page 3".
2. In new section 2, lines 1 and 2, strike "Revised Statutes Supplement, 1969" and insert "Reissue Revised Statutes of Nebraska, 1943".
3. In the last line of the F. Lewis amendment, strike the period.
4. In standing committee amendment 2, line 1, strike the comma.
5. In lieu of standing committee amendment 3, renumber original section 2 as section 3; in line 21, insert "81-561, Reissue Revised Statutes of Nebraska, 1943, and section" after "section"; and in line 22, strike "is" and insert "are".
6. In the title, line 2, insert "81-561, Reissue Revised Statutes of Nebraska, 1943, and section" after "section"; in line 6, insert "to provide an exception" after the semicolon; and in line 7, strike "section" and insert "sections".

LEGISLATIVE BILL 339. Placed on Select File as amended.
E & R amendments to LB 339:

1. On page 2, line 9, strike "funds" and insert "fund".
2. In standing committee amendment 1, line 2, insert a comma after "subdivision" and after "individually".
3. In the title, line 4, insert "and employees of the subdivision" after "members"; and in line 8 strike "funds" and insert "fund".

LEGISLATIVE BILL 13A. Placed on Select File.

Correctly Enrolled

The following bill was correctly enrolled: 165.

(Signed) John J. Cavanaugh, Chairman

STANDING COMMITTEE REPORT
Public Health and Welfare

LEGISLATIVE BILL 221. Indefinitely postponed.

LEGISLATIVE BILL 222. Indefinitely postponed.

(Signed) Thomas C. Kennedy, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 102. With Emergency.

A BILL FOR AN ACT to amend sections 43-601, 43-611, 43-630, and 43-632, Revised Statutes Supplement, 1972, relating to handicapped children; to provide for care and education of multihandicapped children at state expense; to clarify terms relating to the administration of programs; to provide an exception; to repeal the original sections, and also section 43-639, Revised Statutes Supplement, 1972; and to declare an emergency.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Clark
Dickinson
Duis
Epke
Fowler
Hasebroock
Kelly
Kennedy
Keyes
Kime
Kremer
F. Lewis
R. Lewis
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Nore
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Snyder
Stromer
Stull
Syas
Waldron
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 8:

Chambers
DeCamp
Fellman
Goodrich
Johnson
Luedtke
Stahmer
Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with emergency clause and the title agreed to.

LEGISLATIVE BILL 102A.

A BILL FOR AN ACT to appropriate one hundred thrity-nine thousand one hundred seventy-two dollars from the state General Fund and twenty-two thousand fifty dollars from the University Hospital Cash Fund for the period of July 1, 1973 to June 30, 1974 to the University of Nebraska Medical Center Agency No. 51-3, for Program 731, Instruction, Research and Treatment Support, to aid in carrying out the provisions of Legislative Bill 102, Eighty-third Legislature, First Session, 1973; to provide restrictions; and to appropriate nine thousand three hundred sixty dollars from the state General Fund for the period of July 1, 1973 to June 30, 1974 to the Department of Education, Agency No. 13 for Program 292, Special Education School Aid, to aid in carrying out the provisions of Legislative Bill 102, Eighty-third Legislature, First Session, 1973.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Anderson Barnett Burbach Carpenter C. Carsten
Cavanaugh Dickinson Duis Epke Fowler
Hasebroock Kelly Kennedy Keyes Kime
Kremer F. Lewis R. Lewis Mahoney Maresh
Marsh Moylan Murphy Nore Proud
Rasmussen Richendifer Savage Schmit Simpson
Skarda Snyder Stromer Stull Syas
Waldron Whitney Wiltse

Voting in the negative, 0.

Not voting, 11:

F. Carstens Chambers Clark DeCamp Fellman
Goodrich Johnson Luedtke Marvel Stahmer
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 249.

A BILL FOR AN ACT to amend section 35-108, Revised Statutes Supplement, 1972, relating to volunteer fire departments; to extend insurance coverage to rescue personnel; to limit coverage to active personnel; to provide for only one policy of insurance and increase the amount thereof; and to repeal the original section.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 25:

Barnett	Carpenter	Cavanaugh	Dickinson	Duis
Fowler	Hasebroock	Kelly	Keyes	Kremer
F. Lewis	R. Lewis	Mahoney	Marsh	Marvel
Moylan	Proud	Rasmussen	Richendifer	Savage
Schmit	Simpson	Skarda	Stromer	Syas

Voting in the negative, 14:

Anderson	Burbach	C. Carsten	Clark	Epke
Kennedy	Kime	Maresh	Nore	Snyder
Stull	Waldron	Whitney	Wiltse	

Not voting, 10:

F. Carstens	Chambers	DeCamp	Fellman	Goodrich
Johnson	Luedtke	Murphy	Stahmer	Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION—Suspend Rules

Mr. Burbach moved to suspend the Rules to take up LB 76 on Final Reading today. The motion prevailed with 34 ayes, 1 nay and 14 not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 76. With Emergency.

A BILL FOR AN ACT to amend sections 2-1207 and 2-1208.01, Reissue Revised Statutes of Nebraska, 1943, relating to the State Racing Commission; to increase the tax rate; to repeal the original sections; and to declare an emergency.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Anderson Burbach Carpenter C. Carsten F. Carstens
Cavanaugh Clark Dickinson Duis Epke
Fellman Fowler Hasebroock Kelly Kennedy
Keyes Kime Kremer F. Lewis R. Lewis
Mahoney Maresh Marsh Marvel Moylan
Murphy Nore Proud Rasmussen Richendifer
Savage Schmit Simpson Skarda Snyder
Stromer Stull Syas Waldron Whitney
Wiltse

Voting in the negative, 1:

Barnett

Not voting, 7:

Chambers DeCamp Goodrich Johnson Luedtke
Stahmer Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Mr. Burbach asked unanimous consent to expedite LB 76. No objections. So ordered.

UNANIMOUS CONSENT–Change of Hearing

Mr. Waldron asked unanimous consent to use the West Chamber for the Miscellaneous Subjects hearing today. No objections. So ordered.

ANNOUNCEMENT

Mr. Whitney announced that the Committee on Committees will meet at 12:30 p.m. today in the East Senate Lounge for consideration of the appointment of Dr. Jack Anderson.

SELECT FILE

LEGISLATIVE BILL 65. E & R amendments found in the Journal on page 623 for the Thirty-ninth Day were adopted.

Advanced to E & R for Engrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 15.

Introduced by Anderson, 37th District; Marsh, 29th District.

WHEREAS, economic success is affected by but not determined by educational attainment; and

WHEREAS, unemployment is an overwhelming societal and personal problem; and

WHEREAS, jobs in the 70's will demand specialized training, but not necessarily a college degree; and

WHEREAS, changes in occupations will be accelerated and the types of available jobs will change drastically in the future; and

WHEREAS, the present school curriculum is not meeting the "career needs" of all students; and

WHEREAS, career education is being proposed as a partial solution to each of these problems; and

WHEREAS, a Statewide Invitational Conference on Career Education is being conducted in Lincoln, Nebraska on March 12, 1973 for Nebraskans influential in shaping local educational policies and decisions;

NOW, THEREFORE, BE IT RESOLVED by the members of the Eighty-Third Legislature of Nebraska, First Session, that the Legislature hereby goes on record as supporting the career education concept and extends best wishes for a successful career education conference; and

BE IT FURTHER RESOLVED that copies of this resolution be presented to the participants of the 1972 Nebraska Career Education Conference as evidence of this legislative support.

Laid over.

LEGISLATIVE RESOLUTION 16.

Introduced by Cavanaugh, 9th District.

WHEREAS, on December 20, 1963, Gustav Prost and Ruth Prost, husand and wife, executed and delivered to NEBRASKA DEPARTMENT OF SERVICES FOR THE VISUALLY IMPAIRED an Assignment of Second Mortgage by which they assigned the entire interest in a second mortgage in which Robert V. Herink was mortgagor and Gustav Prost and Ruth Prost were mortgagees, which mortgage was a lien on the following described property:

> Lot Eleven (11), Block Eight (8), Hillside Addition Number One, an Addition to the City of Omaha as surveyed, platted and recorded, Douglas County, Nebraska; and

WHEREAS, payment on the note secured by such second mortgage has been delinquent for some time, and the mortgage balance is in dispute at this time; and

WHEREAS, such second mortgage is now held by the Division of Rehabilitation Services for the Visually Impaired, the Department of Public Institutions, State of Nebraska; and

WHEREAS, the foregoing described property has been purchased by H. Lee Gendler, Trustee, who has offered to pay the sum of three thousand dollars ($3000.00) in exchange for a release of such second mortgage; and

WHEREAS, it would be in the best interest of the State of Nebraska to accept such offer.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Division of Rehabilitation Services for the Visually Impaired is authorized to accept such offer.
2. That upon receipt of payment therefor, the Governor is directed to execute and deliver the release of such second mortgage.
3. That such payment be transmitted to the State Treasurer and by him deposited in the state treasury as a trust fund to be expended as appropriated by the Legislature to the Department of Public Institutions for services to the visually impaired.

Laid over.

MOTION–Introduce Bills

Mr. Kennedy moved the introduction of a new bill by the Committee on Public Health and Welfare (Request No. 778). The motion prevailed with 30 ayes, 0 nays and 19 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 513. By Public Health and Welfare Committee: Kennedy, 21st District, Chairman; R. Lewis, 38th District; Maresh, 32nd District; Goodrich, 20th District; Schmit, 23rd District; Cavanaugh, 9th District.

A BILL FOR AN ACT to amend sections 71-2017 to 71-2022, 71-2024, 71-2025, 71-2028, 71-2031, 71-2036, and 71-2037, Reissue revised Statutes of Nebraska, 1943, relating to public health; to provide for the definition and licensure of certain health care facilities as prescribed; to increase fees; to provide for rules and regulations; to provide for inspections; to provide for payment of per diem and expenses of members of the Nursing Home Advisory Council; and to repeal the original sections.

STANDING COMMITTEE REPORTS

Public Health and Welfare

LEGISLATIVE BILL 348. Indefinitely postponed.

(Signed) Thomas C. Kennedy, Chairman

Banking, Commerce and Insurance

LEGISLATIVE BILL 396. Placed on General File.

LEGISLATIVE BILL 441. Placed on General File as amended.
Standing Committee amendments to LB 441:

1. On page 3, line 19 strike "for approval"; line 24, after "not" strike "become valid" and insert "be in compliance with the act", and line 25, strike "and approved".
2. On page 4, line 8 after "register" strike the comma and insert ", and accept copies of Federal registration in lieu of state requirements."; line 9 strike "shall" and insert "may"; line 14 after "may" strike "from time to time" and insert "in cases of emergencies"; line 17 strike "whether the provisions of this act and regulations issued hereunder have been complied with" and insert "the operation of any one bank holding company".

LEGISLATIVE BILL 462. Placed on General File.

(Signed) Fred W. Carstens, Chairman

EASE

The Legislature was at ease from 9:51 a.m. until 10:00 a.m.

NEBRASKA DAY PROGRAM

Speaker Proud appointed Messrs. Skarda and Mahoney to escort Acting-Governor Frank Marsh to the rostrum.

Acting-Governor Marsh introduced Mr. Ernie Snider, Joanie Peterson, Mrs. Vern Burling and 3rd Grade students from Meadow Lane School, Lincoln, who presented a program for the members. The group presented a Birthday Card to the Acting-Governor and members.

The Acting-Governor invited the members to the rotunda for Nebraska Birthday Cake.

EASE

The Legislature was at ease from 10:14 a.m. until 10:30 a.m.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 76, 102, 102A, and 249.

(Signed) John J. Cavanaugh, Chairman

SPEAKER SIGNS

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 76, 102, 102A, 249 and 165.

NOTICE OF COMMITTEE HEARING
Nebraska Retirement Systems

Room 2227

LB 55	Friday, March 9, 1973	12:30 p.m.
LB 236	Friday, March 9, 1973	12:30 p.m.
LB 428	Friday, March 9, 1973	12:30 p.m.
LB 466	Friday, March 9, 1973	12:30 p.m.
LB 498	Friday, March 9, 1973	12:30 p.m.

(Signed) Ramey C. Whitney, Chairman

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 514. By Stull at request of Acting-Governor.

A BILL FOR AN ACT relating to motor vehicles; to require all motor vehicles being operated on streets and public highways of this state to be equipped with seat belts; to make it unlawful for the operator or passenger in a motor vehicle being operated on streets and public highways of this state to fail to be fastened in such motor vehicle by seat belts; and to provide penalties.

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" for the following bills: 102, 102A, 249 and 76.

(Signed) Jerome Warner
(Signed) Roland Luedtke

GENERAL FILE

LEGISLATIVE BILL 112A. Title read. Considered.

Mr. Carpenter moved to advance LB 112A. Mrs. Marsh moved for a Call of the House. The motion prevailed with 21 ayes, 0 nays and 28 not voting.

The Call showed 33 members present.

Mrs. Marsh moved the Call be raised. The motion prevailed with 24 ayes, 0 nays and 25 not voting.

LB 112A was advanced to E & R for Review with 25 ayes, 2 nays and 22 not voting.

LEGISLATIVE BILL 46. Title read. Considered.

Standing Committee amendment found in the Journal on page 423 for the Twenty-eighth Day was adopted.

Advanced to E & R for Review with 34 ayes, 0 nays and 15 not voting.

LEGISLATIVE BILL 243. Considered.

Laid over temporarily.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 138, 163, 276 and 337.

(Signed) John J. Cavanaugh, Chairman

STANDING COMMITTEE REPORT
Public Works

LEGISLATIVE BILL 424. Indefinitely postponed.

LEGISLATIVE BILL 87. Placed on General File as amended.
Standing Committee amendments to LB 87:

1. On page 2, in line 4 strike all after "39-846" and all of lines 5 to 7, show all the old matter as stricken and insert: "In order to expedite the replacement of deficient bridges, the State Aid Bridge Fund is hereby created to provide assistance to counties for replacement of bridges. Any money in the State Aid Bridge Fund available for investment shall be invested by the state investment officer pursuant

to sections 72-1237 to 72-1259.".

2. On page 2, line 11 after "39-847." strike "The" and insert "(1) Any", strike "or boards of any county" and show as stricken; in line 12 strike the line and show the old matter as stricken; in line 13 strike "make application" and show as stricken and insert "apply"; in line 16 strike "twenty feet or more in length" and show the old matter as stricken; in lines 17 and 21 strike "or boards" and show as stricken; in line 22 strike "or counties, or municipality" and show the old matter as stricken; in line 23 strike "one half" and show as stricken and insert "fifty per cent"; in line 24 after "bridge" insert ". The county share of replacement cost may be from any source except the State Aid Bridge Fund": in line 25 strike "are bridges over streams which divide" and show as stricken and insert "any bridge which is the responsibility of two" in line 27 strike "it shall be" and show as stricken.

3. On page 3, line 1 strike "lawful for" and "to" and "or" and show as stricken and after "department" insert "may"; in line 2 strike "purchase the same" and show as stricken and insert "such bridge", strike "to" and show as stricken, strike "one-fourth" and show as stricken and insert "one half"; in line 3 after the first "the" insert "county's"; in line 5 strike "approved" and insert "forwarded"; in line 9 after "needs" insert a period and strike the rest of the line; strike all of lines 10 to 27 and show the old matter as stricken and insert:

"The board shall, in June and December of each year, consider such applications and establish priorities for a period of time consistent with sections 39-2115 through 39-2119, Reissue Revised Statutes of Nebraska, 1943, as amended. The board shall return the applications to the department with the established priorities.

(2) The plans and specifications for each bridge shall be furnished by the Department of Roads and replacement shall be under the supervision of the Department of Roads and the county board.

(3) Any contract for the replacement of any such bridge shall be made by the Department of Roads consistent with procedures for contracts for state highways and Federal-Aid Secondary roads.

(4) After the replacement of any such bridge and the acceptance thereof by the Department of Roads, any county having jurisdiction over it shall have sole responsibility for maintenance.".

4. Strike sections 3 to 7 and insert a new section 3 as follows:

"Sec. 3. The State Treasurer shall transfer monthly thirty-two thousand dollars from the Department of Roads share of the Highway Allocation Fund and thirty-two thousand dollars from the counties' share of the Highway Allocation Fund which is allocated to bridges to the State Aid Bridge Fund.".

5. On page 7 renumber section 8 as section 4 and in line 2 strike all of the line up to "Reissue".

LEGISLATIVE BILL 180. Placed on General File as amended. Standing Committee amendments to LB 180:

1. Strike original section 1 and insert the following:

"Section 1. That section 81-502, Revised Statutes Supplement, 1972, be amended to read as follows:

81-502. It shall be the duty of the State Fire Marshal, under authority of the Governor, (1) to enforce all laws of the state relating to the suppression of arson and investigation of the cause, origin and circustances of fires; (2) to promote safety and reduce loss by fire; (3) after a careful study and investigation of relevant data bearing thereon, to promulgate, alter and enforce rules and regulations covering: (a) The prevention of fires; (b) the storage, sale and use of flammable liquids, combustibles and explosives; (c) electric wiring and heating, and the means and adequacy of exits in case of fire, from churches, schools, hotels, halls, theatres, amphitheatres, factories, asylums, hospitals, and all other buildings, structures and enclosures in which numbers of persons congregate from time to time for any purpose whether privately or publicly owned; (d) design, construction, location, installation and operation of equipment for storing, handling and utilization of liquefied petroleum gases, specifying the odorization of said gases and the degree thereof; and (e) chemicals, prozylin plastics, X-ray nitrocellulose films, or any other hazardous material that may now or hereafter exist; and (4) to make an investigation for fire safety of all licensed child-care facilities or applicants for licenses for child-care facilities within a reasonable time after request by the Department of Public Welfare. The State Fire Marshal shall delegate the authority set forth in this section to qualified local fire prevention personnel, which local authority shall prevail, subject to established appeal procedures. Such local authority may be revoked by the State Fire Marshall for cause upon thirty days' notice after hearing. The State Fire Marshal, first assistant fire marshal, and deputies shall have such other powers and perform such other duties as are set forth in sections 81-501.01 to 81-531, and as may be conferred and imposed by law. Any order or directive issued by the State Fire Marshall or his agent pursuant to sections 81-501.01 to 81-531 shall be accompanied by a written statement of procedural appeal processes which are available pursuant to Chapter 81, article 5 and Chapter 84, article 9. There is hereby adopted the standards recommended by the National Fire Protection Association, Phamphlet Number 101, known as the Life Safety Code, and associated pamphlets as recommended by the National Fire Protection Association and dated 1967; Provided, any building, structure or enclosure of four stories or less in height used exclusively for dwelling purposes and related activities for which a building permit was issued on or before August 1, 1971, by a governmental subdivision of the state having a local building code shall not be subject to the design, construction or alteration requirements of such Life Safety Code. This code shall have the same force and effect as if set out verbatim in this section.

2. That original section 81-502, Revised Statutes Supplement, 1972, is repealed.".

(Signed) Maurice A. Kremer, Chairman

EASTER SEAL CHILD

Speaker Proud appointed Messrs Kennedy and Nore to escort the Easter Seal Child, Susie Shemek and her mother, Mrs. Dorothy Shemek, from Columbus to the front of the Chamber.

Mr. Hasebroock presented a proclamation signed by Governor J. J. Exon to Susie, naming her Easter Seal Child of 1973. Susie is a student at the Dr. J. P. Lord School in Omaha.

Mr. Hasebroock introduced the following members of the Easter Seal Committee: Mr. Tom Plummer, Jr., President, Ogallala; Ms. Maurine Biegert, Shickely; Ms. Irene Houser, Wilber; Mr. John Tomlinson, Lincoln; Mrs. Dorothy Shemek, Columbus; Ms. L. Simmons.

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on March 1, 1973, at 10:50 a.m.: LB 76.

(Signed) Barbara Jackson, Enrolling Clerk

GENERAL FILE

LEGISLATIVE BILL 243. Considered.

Advanced to E & R for Review with 26 ayes, 3 nays and 20 not voting.

LEGISLATIVE BILL 210. Title read. Considered.

Standing committee amendment found in the Journal on page 423 for the Twenty-eighth Day was adopted.

Mr. Carpenter offered the following amendment which was adopted:
In Section 1, line 8, strike "five years" and insert "one year".

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

UNANIMOUS CONSENT–Member Excused

Mr. Snyder asked unanimous consent to be excused Monday, March 5, and Tuesday, March 6. No objections. So ordered.

APPRECIATION

A note of appreciation was received from Senator Johnson thanking the members for the flowers.

REFERENCE COMMITTEE REPORT

LB	Committee
513	Public Health and Welfare
514	Public Works

(Signed) Terry Carpenter, Chairman

UNANIMOUS CONSENT—Member Excused

Mr. Fellman asked unanimous consent to be excused Friday, March 2, 1973. No objections. So ordered.

VISITORS

Speaker Proud introduced 30 Fifth Grade students from Seward Public Schools, Seward, Nebraska, and their instructors, Virginia Dowdeny, Leola Hall and Don Howard.

Speaker Proud introduced 76 Fourth Grade students from May Morley School, Lincoln, Nebraska, and their instructors, Mrs. Phyllis Weiser, Mrs. Jane Tuning, Mrs. Barbara Johnson and Miss Nancy Garben.

ADJOURNMENT

At 12:01 p.m., on a motion by Mr. Syas, the Legislature adjourned until 9:00 a.m., Friday, March 2, 1973.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE FIRST SESSION

FORTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 2, 1973

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Marsh presiding.

PRAYER

Prayer was offered by the Chaplain.

> O Lord our God: we in this Legislature want to become friends and advocates of every plan and program which will enable men and women and children to live better, easier, fuller lives; therefore we ask for imagination able to interpret statistical records and research papers in terms of the sufferings, the longings, the real life needs of human beings.
>
> May it become the personal creed of each legislator never to seek anything for self which might short-change others, but always to seek for others the same good life that is sought for self. Our prayer is offered in the name of Jesus—our Friend, our Saviour, our Example, our Guide. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Fellman, Johnson and Snyder who were excused; Mr. DeCamp who was excused until 10:15 a.m.; Mr. Fowler who was excused until 10:30 a.m.; Mr. Warner who was excused until he arrives; Mr. Chambers who was absent until 9:45 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fortieth Day was approved.

UNANIMOUS CONSENT—Members Excused

Mr. Epke asked unanimous consent to be excused from 11:00 a.m. until noon. No objections. So ordered.

Messrs. Waldron and Kime asked unanimous consent to be excused Monday, March 5. No objections. So ordered.

COMMUNICATION

March 1, 1973

Mr. Vincent Brown
Clerk of Legislature
State House
Lincoln, Nebraska 68509

Dear Mr. Brown:

It is time once again for the state high school basketball tournament to be played in Lincoln on March 8, 9, 10, under the sponsorship of the Nebraska School Activities Association.

A cordial invitation is extended to members of the Legislature and their spouses and the Lieutenant Governor and his wife to attend the games. This invitation is extended on behalf of Mr. Leslie Chamberlin, Secretary of the Nebraska School Activities Association, and Mr. Don Bryant of the University of Nebraska Athletic Department.

Legislators will be admitted to the tournament games by showing their legislative identification. I would appreciate it if you would convey this invitation to members of the Legislature.

Sincerely yours,

(Signed) George S. Round
Director

GSR:ek
CC Don Bryant
Leslie Chamberlin

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 224. Replaced on Select File as amended.
E & R amendment to LB 224:
1. On page 14, line 20, strike "original"
and insert "~~original~~".

LEGISLATIVE BILL 351. Placed on Select File as amended.
E & R amendment to LB 351:
1. On page 2, lines 4 and 5, strike "Reissue Revised Statutes of Nebraska, 1943,".

LEGISLATIVE BILL 112. Placed on Select File as amended.
E & R amendments to LB 112:

1. On page 2, insert an underscored comma after "origin" in line 16, "act" in line 17, "advantages" in line 21, "welfare" in line 22, and "recreation" in line 24; and strike the first comma in line 20.

2. On page 3, strike both commas in line 7 and the comma in line 23 and line 26; and in line 17 strike the semicolon and insert an underscored comma.

3. On page 5, line 12, strike "of" and insert "with respect thereto as"; insert "and" after the second comma in line 6, at the end of line 10, after the first comma in lines 17 and 22; in lines 6 and 7, and lines 11 and 17, strike ", 48-1102, and 48-1116"; in line 22 strike "48-1102, and 48-1116,"; and in line 26 insert an underscored comma after "origin".

4. On page 6, insert an underscored comma after "conciliation" in line 2; in line 13 strike "48-1102, and 48-1116,"; and in lieu of the Kelly amendments thereto, strike line 23 and insert "and which meetings shall be held in the".

5. On pages 6 and 7, renumber subdivisions (5) to (11) as subdivisions (4) to (10) respectively.

6. On page 7, line 8, strike the second comma and insert "and"; in line 9 strike "to"; in line 10 strike ", to"; in line 11 strike "of"; insert an underscored comma after "origin" in line 17, "agent" in line 20, and "sign" in line 26; and in line 19 strike the comma.

7. On page 8, strike the comma in lines 3, 6, 13, 14, 16, and 23 in line 4 insert an underscored comma after "charge"; in line 13 insert "except as provided in subsection (2) of section 10 of this act" after "proceeding"; and strike "deemed" in line 17.

8. In lieu of the Kelly amendments to page 9, lines to 6 and the Kelly amendment adopted 2/28, on page 9, strike lines 2 to 6 and insert "be in the county in which the alleged discrimination occurred.".

9. Because the Kelly amendments to page 9, lines 8 and 9 were adopted after the Marsh amendment to lines 8 to 10, strike the Marsh amendment thereto.

10. On page 9, line 10, strike "has previously"; in line 17 insert an underscored comma after "testimony"; in lines 21 strike "has the power" and insert "may"; in line 22 strike "to"; in line 23 strike "on the complaint"; in line 24 strike the second "in" and insert "at"; and in line 25 strike "has the power to" and insert "may".

11. On page 10, insert an underscored comma after "equal" in line 9, "facilities" in line 10 and "expedite"

in line 23; strike both commas in line 10 and the comma in line 11; in line 19 strike "its" and insert "the"; in line 23 strike "foregoing"; and in line 24 insert "set forth in this section" after "procedure".

12. In lieu of the Murphy amendment as amended by the Carpenter amendment, on page 10, line 26, strike "ninety" and insert "ten"; and in line 26 insert "and the complainant shall give written notice of the filing of the complaint and furnish a copy thereof to the party complained against" after "discrimination".

13. On page 11, line 2, strike "such" and insert "any"; in line 2 insert "of the commission" after "order"; in line 9 strike "; Provided, that the" and insert ". The"; in lines 12 and 13 strike "; and provided further, that the" and insert ". The"; and strike the comma in line 24 and the first comma in line 26.

14. On page 12, line 3, insert ". The review on appeal" after "court"; in line 4 strike "before it"; strike the comma in line 21; and in line 25 strike "hearing".

15. On page 13, line 1, strike the comma; in line 6 insert an underscored comma after "impede"; and in line 13 strike "the order" and insert "an order of the commission".

LEGISLATIVE BILL 112A. Placed on Select File.

Correctly Engrossed

The following bills were correctly engrossed: 65, 215, 263, 330, 335, and 391.

(Signed) John J. Cavanaugh, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on March 2, 1973, at 8:30 a.m.: LB 165, LB 102, LB 102A, and LB 249.

(Signed) Barbara Jackson, Enrolling Clerk

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 302, passed in the 1965 session of the Legislature, the attached is a list of all lobbyists who have registered as of March 1, 1973. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Vincent D. Brown

Chamberlain, Eugene - Tekamah – Nebraska Association Of County Extension Boards
Huff, Charles P. - Lincoln – National Association of Theatre Owners of Nebraska; Nebraska Cable Communications Association; Nebraska Lodging Association
Krause, Marcella - Alliance – Educational Service Unit No. 12
Moore, James A. - Lincoln – Disabled American Veterans, Dept. of Nebr.
Offen, Neil H. - Washington, D. C. – Direct Selling Association
Ryan, James E. - Lincoln – General Tobacco Company

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 197.

A BILL FOR AN ACT relating to education; to extend the maximum period of certain agreements; to provide authority for purchase, lease, or lease-purchase of equipment as prescribed; to amend sections 79-4,154 and 79-2201.01, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original sections.

Wereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 17:

Barnett
Burbach
Goodrich
Kelly
Keyes
F. Lewis
Luedtke
Mahoney
Marsh
Marvel
Moylan
Proud
Schmit
Simpson
Skarda
Stahmer
Waldron

Voting in the negative, 21:

Carpenter
C. Carsten
Cavanaugh
Clark
Dickinson
Epke
Hasebroock
Kennedy
Kime
Kremer
R. Lewis
Maresh
Murphy
Nore
Rasmussen
Richendifer
Stromer
Stull
Syas
Whitney
Wiltse

Not voting, 11:

Anderson
F. Carstens
Chambers
DeCamp
Duis
Fellman
Fowler
Johnson
Savage
Snyder
Warner

Having failed to receive a constitutional majority voting in the affirmative, the bill failed of passage.

MOTION—Suspend Rules

Mr. Cavanaugh moved to suspend the rules to consider LR 16. The motion prevailed 35 ayes, 1 nay and 13 not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 16. Read. Considered.

Legislative Resolution 16 was adopted with 34 ayes, 0 nays and 15 not voting.

MOTION—Introduce Bills

Mr. Kennedy moved the introduction of a new bill by the Committee on Public Health & Welfare (Request No. 779).

The motion prevailed with 32 ayes, 0 nays and 17 not voting.

Mr. Whitney moved the introduction of a new bill by the Committee on Nebraska Retirement Systems (Request No. 167).

The motion prevailed with 33 ayes, 3 nays and 13 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 515. By Public Health and Welfare Committee: Kennedy, 21st District, Chairman; R. Lewis, 38th District; Maresh, 32nd District; Goodrich, 20th District; Cavanaugh, 9th District.

A BILL FOR AN ACT to amend sections 71-162, 71-180.04, 71-1,145, 71-1,147.03 to 71-1,147.08, 71-1,162, 71-1112, 71-1327, 71-1331, 71-1332, 71-2713, 71-4706, 71-4708, and 71-4711, Reissue Revised Statutes of Nebraska, 1943, and sections 28-4,118, 28-4,122, 71-2045.05, and 71-2045.06, Revised Statutes Supplement, 1972; relating to public health; to establish and increase certain fees for various registration, licenses and permits and the renewal thereof; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 516. By Nebraska Retirement Systems Committee: Whitney, 44th District, Chairman; Marvel, 33rd District; Luedtke, 28th District; Hasebroock, 18th District.

A BILL FOR AN ACT relating to state employees; to provide a uniform program of group life and health insurance for all permanent full-time state employees as prescribed; and to declare an emergency.

SELECT FILE

LEGISLATIVE BILL 241. ,E & R amendment found in the Journal on page 638 for the Fortieth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 239. E & R amendment found in the Journal on page 638 for the Fortieth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 216. E & R amendment found in the Journal on page 638 for the Fortieth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 373. E & R amendments found in the Journal on page 638 for the Fortieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 186. E & R amendment found in the Journal on page 638 for the Fortieth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 206. E & R amendment found in the Journal on page 638 for the Fortieth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 390. E & R amendment found in the Journal on page 639 for the Fortieth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 231. E & R amendments found in the Journal on page 639 for the Fortieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 339. E & R amendments found in the Journal on page 639 for the Fortieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 13A. Advanced to E & R for Engrossment.

NOTICE OF COMMITTEE HEARINGS
Committee on Committees

March 2, 1973

The Committee on Committees will meet at 12:30 p.m. Wednesday, March 7, 1973, in the East Chamber, for the purpose of hearing the appointment submitted by Governor J. James Exon as follows:

Dr. Jack Anderson – Director of Institutions (Continued)

March 2, 1973

The Committee on Committees will meet at 12:30 p.m. Monday, March 12, 1973, in the East Hearing Room, Room 2227, for the purpose of hearing appointments submitted by Governor J. James Exon as follows:

Don O. Bridge – Game and Parks Commission
Dr. William C. Peters – Director of Personnel
John L. Sullivan – Director, Dept. of Motor Vehicles

(Signed) Ramey C. Whitney, Chairman

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 418. Indefinitely postponed.

LEGISLATIVE BILL 416. Placed on General File as amended.
Standing Committee amendment to LB 416:

1. On page 2 line 1 strike "child" and insert "person"; in line 6 strike "child" and insert "person"; in line 7 strike "child" and insert "person"; strike lines 8 to 14 and insert "institution from which such person was released shall develop methods for the care, treatment, and training of such person while in the care of its parent or guardian. The institution shall recover the same amount for the cost of the care, custody, and maintenance of such person as it would if the person had not been so released and shall reimburse the parent or guardian in the same amount.".

LEGISLATIVE BILL 483. Placed on General File.

(Signed) Thomas C. Kennedy, Chairman

Urban Affairs

LEGISLATIVE BILL 97. Indefinitely postponed.

LEGISLATIVE BILL 139. Indefinitely postponed.

(Signed) Duke Snyder, Chairman

GENERAL FILE

LEGISLATIVE BILL 458. Laid over at the request of Mr. Carpenter.

LEGISLATIVE BILL 311. Title read. Considered.

Mr. Carpenter offered the following amendment:
1. On page 4, line 5, insert "Commencing July 1, 1973, such minimum local contribution shall be reduced to twenty-five per cent." after the period.

Mr. Stahmer offered the following amendment to the Carpenter amendment:
Amend the Carpenter amendment to provide "75% shall come from State funds".

Amendments pending. Laid over at the request of Mr. Marvel.

LEGISLATIVE BILL 273. Considered.

Standing Committee amendments found in the Journal on page 472 for the Thirty-first Day were adopted. Laid over at the request of Mr. Simpson.

LEGISLATIVE BILL 173. Title read. Considered.

Standing Committee amendment found in the Journal on page 542 for the Thirty-fifth Day was adopted.

Advanced to E & R for Review with 32 ayes, 0 nays and 17 not voting.

LEGISLATIVE BILL 453. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 2 nays and 22 not voting.

LEGISLATIVE BILL 301. Title read. Considered.

Mr. Kime offered the following amendment, which was adopted: Add the emergency clause.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 179. Bracketed at the request of Mr. Carpenter.

LEGISLATIVE BILL 446. Laid over at the request of Mr. Cavanaugh.

LEGISLATIVE BILL 284. Title read. Considered.

Standing Committee amendment found in the Journal on page 583 for the Thirty-seventh Day was adopted.

Advanced to E & R for Review with 31 ayes, 0 nays and 18 not voting.

LEGISLATIVE BILL 317. Title read. Considered.

Standing Committee amendments found in the Journal on page 583 for the Thirty-seventh Day were adopted.

Advanced to E & R for Review with 25 ayes, 7 nays and 17 not voting.

LEGISLATIVE BILL 364. Laid over at the request of Mr. R. Lewis.

LEGISLATIVE BILL 365. Bracketed at the request of Mr. Waldron.

LEGISLATIVE BILL 248. Title read. Considered.

Laid over at the request of Mr. Proud.

LEGISLATIVE BILL 275. Title read. Considered.

Standing Committee amendment found in the Journal on page 605 for the Thirty-eighth Day was rejected.

Mr. Warner offered the following amendment which was adopted:

1. In lieu of the standing committee amendment, on page 2, line 14, strike "Environmental Design" and insert "Architecture and Planning"; in line 15, after the semicolon, insert "and"; in line 16 strike the semicolon and insert a period and strike the rest of the line and all of lines 17 and 18.

Laid over at the request of Mr. Carpenter.

LEGISLATIVE BILL 278. Laid over at the request of Mr. Waldron.

UNANIMOUS CONSENT—Print in Journal

Mr. Stull asked unanimous consent to have the following amendments to LB 278 printed in the Journal. No objections. So ordered.

1. Insert a new section to read:

"Sec. 4. The school board or board of education of any school district within the boundaries of an educational service unit may request the county board that no tax for the educational service unit be levied on property within the district. Such request shall be submitted in writing not later than April 20 each year and at the same time a copy thereof shall be delivered to the board of the educational service unit. The request shall state that (1) the educational service unit budgets less than eighty per cent of its funds raised by taxation for instructional purposes as defined in the Handbook of Uniform Financial Accounting for Public School Districts of Nebraska, (2) the district requests no services from the educational service unit for the next school year, and (3) the district will maintain at its own expense the programs of special education furnished it by the educational service unit during the current school year. At its first meeting after receipt of such request, the county board shall set a time and place for a hearing thereon and give not less than ten nor more than twenty days notice thereof by publication in one legal newspaper of general circulation throughout each county of the educational service unit. The cost of such publication shall be paid by the school district. Notice thereof shall also be given by United States mail to the governing boards of the school district and the educational service unit. After such hearing the county board shall grant the request if it finds that the statements therein are true and order that the educational service unit tax levy shall not be assessed against property within the district for the following years.".

2. Renumber original section 4 as section 5.

MOTION—Reconsider Action

Mr. Carpenter moved to reconsider action on LB 197 on final reading.

Motion pending.

UNANIMOUS CONSENT—Print in Journal

Mr. Stahmer asked unanimous consent to have the following page from LB 450 printed in the Journal, with the following explanation. No objections. So ordered.

"In Section 1 of LB 450, the bill signed by me contained the word county, and was printed in error with the word district on lines 8 to 12. This was due to a temporary breakdown of the computer. (Signed) David Stahmer"

Section 1. That section 79-426.05, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-426.05. There is hereby established in each county in the state a committee for the reorganization of school districts, to be known as the county committee. Each county committee shall be composed of six members in a Class 1 county, seven members in a Class 2 county, eight members in a Class 3 county, nine members in a Class 4 county, ten members in a Class 5 county, eleven members in a Class 6 county, and twelve members in a Class 7 county. For purposes of this section, the classes of counties shall be those set forth in section 23-1114.01. Such committee members shall be elected at large at the next election of county officials. ~~not less than six nor more than ten members.~~

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 147. Indefinitely postponed.

LEGISLATIVE BILL 269. Placed on General File as amended.
Standing Committee amendment to LB 269:

1. On page 2, line 19, strike "sixty" and insert "fifty".

LEGISLATIVE BILL 357. Placed on General File as amended.
Standing Committee amendment to LB 357:

1. On page 2, line 1, after "issued" insert "by the Department of Motor Vehicles"; on line 2 strike "trucks or"; on line 11 after "days" insert ", and shall be carried in the cab of the truck-tractor"; on line 15 after "1972;" insert "provided that the fee shall be no less than twenty-five dollars, "; and on line 17 after "1972." add a new sentence to read, "Such fee shall be collected and distributed in the same manner as other motor vehicle fees."

LEGISLATIVE BILL 384. Placed on General File.

(Signed) Maurice A. Kremer, Chairman

ANNOUNCEMENT

Mr. Chambers announced the Government, Military and Veteran's Affairs Committee will meet in Executive Session in the East Chamber at 2:00 p.m. today.

REFERENCE COMMITTEE REPORT

LB	COMMITTEE
515	Public Health and Welfare
516	Nebraska Retirement Systems

(Signed) Terry Carpenter, Chairman
Executive Board

VISITORS

President Marsh introduced a group of Nebraska Association of Elementary School Principals, Robert R. Schultze of Omaha, President.

President Marsh introduced 17 Seventh Grade students from Robin Mickle School, Lincoln and Mr. David Schuman, teacher.

ADJOURNMENT

Mr. Richendifer moved to adjourn until 8:00 a.m. Monday, March 5, 1973. The motion lost.

At 11:49 a.m., on a motion by Mr. Syas, the Legislature adjourned until 10:00 a.m., Monday, March 5, 1973.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

FORTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 5, 1973

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Marsh presiding.

PRAYER

Prayer was offered by the Chaplain.

> Once again we meet, O Lord our God, after a weekend which brought rest and refreshment to some, disappointment and sorrow to others.
>
> Today we ask that we may be made equal to the service that will be demanded of us, and the pressures which will be exerted upon us throughout this week. Keep us physically well, mentally alert, morally responsible, spiritually sensitive.
>
> In whatever doubts and uncertainties we experience, give us grace to ask in prayer what to do, so that we may be saved from false choices and serious mistakes. May the blessing of Almighty God be upon us today, and throughout this week. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. F. Carstens, Johnson, Kennedy, Snyder and Waldron who were excused; Mr. Carpenter who was excused until he arrives; and Mr. R. Lewis who was excused until 11:00 a.m.

CORRECTIONS FOR THE JOURNAL

On page 653, line 10, correct the spelling of "Marsh".
On page 657, last line, after "majority" insert "voting in the affirmative,".

ANNOUNCEMENT

The Assistant Clerk announced that Mr. Kennedy is in the hospital and would request to be excused for an indefinite time. No objections. So ordered.

MESSAGE FROM THE GOVERNOR

March 2, 1973

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

I wish to advise you that pursuant to Article 4, Section 15, of the Constitution of the State of Nebraska, as amended in 1972, I have signed LB 40 into law, but have reduced LB 40A from the amount of $59,971 to the amount of $25,000 per line one and two in the title and per line two in section one.

I believe such reduced sum is sufficient to carry out the provisions of LB 40 as amended.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

ATTORNEY GENERAL OPINION

March 2, 1973

Senator David H. Stahmer
Nebraska State Legislature
State Capitol
Lincoln, Nebraska

Dear Senator Stahmer:

You have inquired as to the holding of the court in Ratigan v. Davis, with specific reference to whether or not the court ruled in that case on the constitutionality of School District Number 66 of Douglas County and whether or not the holding in that case would support the proposition that L. B. 300 is or is not constitutional.

Ratigan v. Davis is reported at 175 Neb. 416, 122 N. W. 2d 12 (1963). In that case the court stated:

> "The contention here made is that, as the petitioners reside and own property within the city of Omaha but do not reside or

> own property within the school district of Omaha, and as the regents of the municipal university are selected by the school board of the school district of Omaha, the petitioners are being taxed without representation and in violation of various sections of the state and federal Constitutions." (175 Neb. at 418.)

Upon analyzing that contention, the court stated that the maxim that taxation without representation "does not mean, as many seem to think, that no person can be taxed unless, in the body that determines the amount of the tax to be levied, he is represented by someone for whom he has a right to vote." In concluding its analysis the court stated:

> "We do not deem it necessary to discuss other questions raised. No constitutional provision stands as a bar to the levy of two mills on the dollar on assessed value of the tangible property in the annexed areas for the support of the municipal university. The trial court correctly sustained general demurrers to the petition of the plaintiffs and its judgment is affirmed." (175 Neb. at 423.)

The court did not discuss the constitutionality of the organization of School District Number 66 of Douglas County in that case. Nor would the holding in that case, in our opinion, support the proposition that L. B. 300 is or is not constitutional.

Very truly yours,

CLARENCE A. H. MEYER
Attorney General

(Signed) Harold Mosher
Assistant Attorney General

HM:ejg
cc Mr. Vincent D. Brown
Clerk of the Legislature

NOTICE OF COMMITTEE HEARING

Rules

Thursday, March 8, 1973, 1:00 p.m. Leg. Council Hearing Rm. 2102 for purpose of considering the following Rules Changes:

Rule 6, Sec. 2 (P. 357) Sen. Warner (Failure to advance off G.F.)

Rule 5, Sec. 6 (p. 497) Sen. Carpenter (Fiscal impact on political subdivisions)

(p. 501) Sen. Carpenter (Excused absence on Fridays)

Rule 5, Sec. 5 (p. 580) Sen. Stull (Introduction of bills to repeal obsolete statutes)

Rule 6, Sec. 4 & 5 (p. 614) Sen. Syas (Consideration of bills on Select File)

(Signed) Herbert J. Duis, Chairman

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 167. Replaced on Select File as amended.
E & R amendments to LB 167:

1. On page 4, line 20, insert "; or" after "(5)".
2. On page 7, insert "and" at the end of line 12.
3. On page 11, line 21, insert "or issuer-dealer" before "as".
4. On page 28, line 13, reinsert "the" after "or".

LEGISLATIVE BILL 241. Replaced on Select File as amended.
E & R amendment to LB 241:

1. In lieu of E & R 1 adopted 3/2, in the title, line 2, strike "23-1507" and insert "23-1506".

LEGISLATIVE BILL 231. Replaced on Select File as amended.
E & R amendments to LB 231:

1. On page 2, line 8, strike "the" and insert "~~the~~".
2. In line 3 of E & R 6, insert a semicolon after "exception".

LEGISLATIVE BILL 46. Placed on Select File as amended.
E & R amendments to LB 46:

1. On page 2, line 9, strike the comma and show the same as stricken; and insert an underscored comma after "assessment" in lines 14 and 15.
2. In standing committee amendment 1, line 11, strike "registered"; in line 13, strike the second period; in line 14, strike the period; and in line 15 strike the period and insert an underscored comma.

LEGISLATIVE BILL 243. Placed on Select File.

LEGISLATIVE BILL 210. Placed on Select File as amended.
E & R amendments to LB 210:

1. In new section 1, line 6, insert an underscored period after the second "county"; in line 8 strike the period and show the same as stricken; in line 8 strike "purposes" and insert "~~purposes~~ purpose"; insert an underscored period at the end of line 9; and strike line 10 and show the same as stricken.
2. In lieu of the Carpenter amendment, on page 2, line 8, strike "five years" and insert "~~five years~~ one year".
3. In the title, line 2, strike "section" and insert "sections 77-316 and"; in line 4 strike "inheritance taxes;" and insert "taxation; to eliminate a mailing requirement;"; in line 5 insert "to change time for filing suit;" after the semicolon; and in line 6 strike "section" and insert "sections".

Correctly Engrossed

The following bills were correctly engrossed: 186, 216, 239, 296 and 373.

(Signed) John J. Cavanaugh, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 166.

A BILL FOR AN ACT to amend sections 21-1761, 21-1764, 21-1769, 21-1770, 21-1773, 21-1774, 21-1775, 21-1777, 21-1778, 21-1783, 21-1784, 21-1785, 21-1787, 21-1790, 21-1791, and 21-17,106, Reissue Revised Statutes of Nebraska, 1943, and sections 21-1786, 21-17,105, and 21-17,117, Revised Statutes Supplement, 1972, relating to credit unions; to revise and modernize provisions; and to repeal the original sections, and also section 21-1765, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Anderson	Barnett	Burbach	C. Carsten	Cavanaugh
Chambers	Clark	DeCamp	Dickinson	Duis
Epke	Fellman	Fowler	Goodrich	Hasebroock
Kelly	Keyes	Kime	Kremer	F. Lewis
Luedtke	Mahoney	Maresh	Marsh	Marvel

Moylan
Murphy
Nore
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Stahmer
Stromer
Stull
Syas
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 7:

Carpenter
F. Carstens
Johnson
Kennedy
R. Lewis
Snyder
Waldron

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 189.

A BILL FOR AN ACT to amend section 70-667, Reissue Revised Statutes of Nebraska, 1943, relating to public power; to provide additional authority to irrigation divisions of public power and irrigation districts; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Anderson
Barnett
Burbach
C. Carsten
Chambers
Clark
DeCamp
Dickinson
Duis
Epke
Fellman
Fowler
Goodrich
Hasebroock
Kelly
Keyes
Kime
Kremer
F. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Stahmer
Stromer
Stull
Syas
Warner
Wiltse

Voting in the negative, 0.

Not voting, 10:

Carpenter
F. Carstens
Cavanaugh
Johnson
Kennedy
R. Lewis
Nore
Snyder
Waldron
Whitney

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 201. With Emergency.

A BILL FOR AN ACT relating to the department of Agriculture; to provide for the appointment of special investigators and their powers and duties; to provide an exception from the marking requirements of motor vehicles; to amend section 81-201, Reissue Revised Statutes of Nebraska, 1943, and section 60-1001, Revised Statutes Supplement, 1972; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 34:

Anderson	Burbach	C. Carsten	Chambers	DeCamp
Dickinson	Duis	Epke	Fellman	Fowler
Goodrich	Hasebroock	Kelly	Keyes	Kime
Kremer	F. Lewis	Luedtke	Marsh	Marvel
Moylan	Murphy	Nore	Proud	Rasmussen
Savage	Schmit	Skarda	Stahmer	Stromer
Stull	Warner	Whitney	Wiltse	

Voting in the negative, 6:

Barnett	Cavanaugh	Clark	Richendifer	Simpson
Syas				

Not voting, 9:

Carpenter	F. Carstens	Johnson	Kennedy	R. Lewis
Mahoney	Maresh	Snyder	Waldron	

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 201A. With Emergency.

A BILL FOR AN ACT to appropriate fifteen thousand nine hundred forty-three dollars from the state General Fund for the period ending June 30, 1974 to the Department of Agriculture, Agency No. 18 for Program 027, Departmental Administration, to aid in carrying out the provisions of Legislative Bill 201, Eighty-third Legislature, First Session, 1973; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 37:

Anderson
Burbach
C. Carsten
Cavanaugh
Chambers
DeCamp
Dickinson
Duis
Epke
Fellman
Fowler
Goodrich
Hasebroock
Kelly
Keyes
Kime
Kremer
F. Lewis
Luedtke
Marsh
Marvel
Moylan
Murphy
Nore
Proud
Rasmussen
Savage
Schmit
Simpson
Skarda
Stahmer
Stromer
Stull
Syas
Warner
Whitney
Wiltse

Voting in the negative, 3:

Barnett
Clark
Richendifer

Not voting, 9:

Carpenter
F. Carstens
Johnson
Kennedy
R. Lewis
Mahoney
Maresh
Snyder
Waldron

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 213. With Emergency.

A BILL FOR AN ACT to amend section 39-7,133, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicles; to provide for revocation of drivers' licenses or privileges as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 30:

Anderson
Barnett
C. Carsten
Chambers
Dickinson
Fellman
Goodrich
Hasebroock
Kelly
Keyes
Kime
Kremer
F. Lewis
Mahoney
Maresh
Marsh
Moylan
Murphy
Proud
Rasmussen
Richendifer
Savage
Schmit
Skarda
Stahmer
Stull
Syas
Warner
Whitney
Wiltse

Voting in the negative, 9:

Burbach
Clark
DeCamp
Fowler
Luedtke
Marvel
Nore
Simpson
Stromer

Not voting, 10:

Carpenter
F. Carstens
Cavanaugh
Duis
Epke
Johnson
Kennedy
R. Lewis
Snyder
Waldron

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed with the emergency clause attached, the question is, 'Shall the bill pass with the emergency clause stricken?' "

Voting in the affirmative, 30:

Anderson
Barnett
C. Carsten
Cavanaugh
DeCamp
Dickinson
Fellman
Goodrich
Hasebroock
Kelly
Keyes
Kime
Kremer
F. Lewis
Mahoney
Maresh
Moylan
Murphy
Proud
Rasmussen
Richendifer
Savage
Schmit
Skarda
Stahmer
Stull
Syas
Warner
Whitney
Wiltse

Voting in the negative, 8:

Burbach
Clark
Fowler
Luedtke
Marsh
Marvel
Simpson
Stromer

Not voting, 11:

Carpenter
F. Carstens
Chambers
Duis
Epke
Johnson
Kennedy
R. Lewis
Nore
Snyder
Waldron

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 228A. By Luedtke, 28th District.

A BILL FOR AN ACT to appropriate one hundred twenty-four thousand seven hundred ninety dollars from the state General Fund for the period of July 1, 1973 to June 30, 1974, to District Courts, Agency 6, for Program 006, judges salaries, eighty-four thousand three hundred ninety-five thousand dollars, for Program 007, court reporters salaries, thirty-nine thousand three hundred ninety-five dollars, and for Program 392, judges and reporters expense, one thousand dollars, to aid in carrying out the provisions of Legislative Bill 228, Eighty-third Legislature, First Session, 1973; and to declare an emergency.

SELECT FILE

LEGISLATIVE BILL 224. E & R amendment found in the Journal on page 654 for the Forty-first Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 351. E & R amendment found in the Journal on page 654 for the Forty-first Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 112. E & R amendments found in the Journal on page 655 for the Forty-first day were adopted.

Mr. Cavanaugh offered the following amendment which was adopted by unanimous consent:
Page 4, Line 5, strike "sex".

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 112A. Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 255. Bracketed until March 12 at the request of Mr. Kelly.

LEGISLATIVE BILL 219. Title read. Considered.

Mr. Chambers offered the following amendment which was adopted:
1. Page 2, Line 14, Strike new language.
2. Page 2, Line 15, after the word "or", insert "of which all or a majority of members".

Laid over.

LEGISLATIVE BILL 194. Title read. Considered.

Laid over at the request of Mr. Syas.

LEGISLATIVE BILL 311. Bracketed until March 8 at the request of Mr. Marvel.

LEGISLATIVE BILL 458. Considered.

Standing Committee amendments found in the Journal on page 456 for the Thirtieth Day were adopted.

Laid over for the first order of business on General File tomorrow, at the request of Mr. Burbach.

LEGISLATIVE BILL 273. Considered.

Mr. Schmit offered the following amendments, which were adopted:

1. On page 3 line 17 strike "~~shall~~" and insert "may"; in line 19 strike "~~shall~~" and insert "may"; and in line 21 strike "~~shall~~" and insert "may".
2. Page 3, line 17 strike "shall" and include "may".
3. Page 3, line 22 change "shall" to "may".

Advanced to E & R for Review with 29 ayes, 1 nay and 19 not voting.

LEGISLATIVE BILL 232. Title read. Considered.

Standing Committee amendments found in the Journal on page 477 for the Thirty-second Day were adopted.

Mr. DeCamp offered the following amendment:

1. On page 3, line 13 after "salary" insert "increase of approximately sixty-three per cent from the present level of four hundred dollars per month to six hundred seventy-five dollars per month"; and strike the rest of the line and line 14.

Mr. Whitney offered the following amendment to the DeCamp amendment:

Strike the words "of approximately sixty-three percent" in the DeCamp amendment.

The Whitney amendment lost with 6 ayes, 22 nays and 21 not voting.

Mr. Chambers moved the previous question on the DeCamp amendment. The question is, "Shall the debate now cease?" The motion prevailed with 31 ayes, 0 nays and 18 not voting.

The DeCamp amendment lost with 3 ayes, 33 nays and 13 not voting.

Mr. Anderson offered the following amendment which was adopted:

On page 2, line 1, strike "general", insert "primary".
On page 2, line 2, strike "November", insert "May".

Advanced to E & R for Review with 33 ayes, 5 nays and 11 not voting.

MESSAGES FROM THE GOVERNOR

March 2, 1973

Mr. Vince Brown
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bill No. 76.

This bill was signed by me on March 1, 1973 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

March 2, 1973

Mr. Vince Brown
Clerk of the Legislature
State Captiol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Reengrossed Legislative Bill No. 32 and Engrossed Bills Nos. 20, 30, 37, 37A, 40, 51, 71, 103, 116, 126, 159, 165, 176, 178, 214, 240, 249, 252, and 285.

These bills were signed by me on March 2, 1973 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

UNANIMOUS CONSENT—Change of Hearing Rooms

Mr. R. Lewis asked unanimous consent for the Public Health and Welfare Committee to hold the hearing on LB 286 in the West Chamber tomorrow, March 6, 1973. No objections. So ordered.

Mr. Burbach asked unanimous consent for the Revenue Committee to hold their hearing in the East Hearing Room, 2227, tomorrow, March 6, 1973. No objections. So ordered.

UNANIMOUS CONSENT—Executive Session

Mr. Luedtke asked unanimous consent to hold an Executive Session of the Judiciary Committee at 2:00 p.m. today in the Legislative Council Hearing Room. No objections. So ordered.

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 394. Indefinitely postponed.

LEGISLATIVE BILL 60. Placed on General File as amended.
Standing Committee amendment to LB 60:

1. On page 2 of the bill strike sections 1 to 3 and insert the following:

"Section 1. The fingerprints of any child less than fourteen years of age, who has been taken into custody in the investigation of his or her suspected unlawful act, shall not be taken unless the consent of any district, district county, associate county, or separate juvenile court judge has first been obtained.

Sec. 2. If the judge permits the fingerprinting, the fingerprints must be filed by law enforcement officers in files kept separate from those of the age of majority.

Sec. 3. The fingerprints of any child less than eighteen years of age shall not be sent to a state or federal depository by a law enforcement agency of this state unless: (1) The child has been convicted of a felony; (2) the child has unlawfully terminated his or her commitment to a Youth Development Center; or (3) the child is a run-away, and a fingerprint check is needed to return the child to his parents.".

LEGISLATIVE BILL 110. Placed on General File as amended.
Standing Committee amendments to LB 110:

1. On page 3, line 12 strike "or separate juvenile" and show as stricken; in line 13 insert "and in each area or district served by any other court subject to Article V, section 21 of the Constitution" after "district"; reinstate the stricken matter and strike the new matter in lines 13 to 15; and in line 16 insert "or area" after "district".

2. On page 5, line 10 reinstate the stricken matter and strike the new matter.

3. Insert a new section to read:

"Sec. 3. That section 24-806, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-806. Lawyer members of any judicial nominating commission must be members of the bar of the State of Nebraska residing in the judicial district or area of the state served by said judicial nominating commission, and not more than two lawyer members of each commission shall be registered members of the same political party or category. Nominations ~~of~~ for lawyer members of each commission shall be solicited in writing by the Clerk of the Supreme Court from all the lawyers of the district or area served on the effective date of this act and thereafter on or before September 1 of each odd-numbered year. Nominations of lawyer members shall be made in writing, filed in the office of the Clerk of the Supreme Court within thirty days after ~~May 6, 1963~~ the effective date of this act, and thereafter on or before October 1 of each odd-numbered year. Each nomination of said lawyer member shall be accompanied by a written consent of the nominee to serve as a member of said judicial nominating commission, if elected. The nominations shall be solicited and distributed on the ballot by the Clerk of the Supreme Court from the legally recognized political parties and in such a manner as will permit the final selection to be made within the required political party. At least two qualified lawyers must be nominated for each position and if insufficient nominations are made to provide two candiates from the permissible political parties, the ~~Judicial~~ Executive Council of the ~~State of~~ Nebraska State Bar Association, within ten days after the last day for filing nominations, shall nominate additional candidates for said position so that there shall be two qualified candidates for each position. The Clerk of the Supreme Court shall then mail a ballot, with the names of each nominee, to all members of the bar of Nebraska residing in such district or area, designating a date at least ten days and not more than fourteen days after the date of such mailing by the Clerk of the Supreme Court when said ballots will be opened and counted. Said ballots shall be counted by a board consisting of the Clerk of the Supreme Court, the Secretary of State, and the Attorney General or by alternates designated by any of them to serve in his place. The Clerk of the Supreme Court shall insure that said election is so conducted as to maintain the secrecy of said ballot and the validity of the results. In any election where more than one lawyer member of a nominating commission is to be elected the nominees shall be submitted without designation of the term. Each voter shall be instructed to vote for as many nominees as there are vacancies to be filled. The candidate receiving the highest vote shall be considered as having been elected for the longest term. The candidate receiving the next highest number of votes shall be deemed to have been elected for next to the longest term and, if a third member is to be elected, the candidate receiving the third highest vote shall be deemed elected to the shortest term. In case of ties the determination shall be made by lot by the counting board.".

4. Renumber original section 3 as section 4.

5. Strike original section 4.

6. On page 6, strike the stricken matter in lines 20 to 22 and insert "In selecting or rejecting judicial nominees, said commission shall vote ~~in executive session by secret ballot~~ by oral rollcall vote. Each candidate must receive a majority vote of the members of the nominating commission to have his name submitted to the Governor.".

7. On page 7, strike the new matter beginning in line 11 through "thereof" in line 14.

8. On page 8, line 15 strike "voter" and insert "party"; and in line 26 strike ", at" and insert "to an individual member or to the commission acting as a body, at or prior to".

9. On page 9, strike the new matter in lines 1 to 8 and insert "time of the public hearing.".

10. On page 10, insert "24-806," at the end of line 3; and in line 4 strike "24-808,".

(Signed) Roland A. Luedtke, Chairman

Labor

LEGISLATIVE BILL 262. Indefinitely postponed.

LEGISLATIVE BILL 265. Placed on General File.

LEGISLATIVE BILL 266. Placed on General File as amended.
Standing Committee amendment to LB 266:

1. On page 5, line 8 after "epilepsy" insert "or seizure disorders,"; in line 13 strike the "period"; in line 14 strike "Disability" and insert "and"; in line 16 after "handicap," insert "as determined by a physician,".

(Signed) Richard Maresh, Chairman

Public Works

LEGISLATIVE RESOLUTION 13. Placed on General File as amended.
Standing Committee amendments to LR 13:

1. Add a paragraph after the third Whereas paragraph to read as follows:

"WHEREAS, the present manner of apportioning the money from the Federal Highway Trust Fund among the states is inequitable for Nebraska, because less than eighty per cent of the amount paid by Nebraska taxpayers to the Federal Highway Trust Fund is returned to Nebraska, and this inequity will become worse in the future; and".

2. Renumber paragraph 4 as 5, and add a new paragraph 4 as follows:

"4. That the 1973 Session of the Legislature, State of Nebraska, go on record as urging the Federal Administration and the Congress to correct the manner of apportioning money among the states from the Federal Highway Trust Fund so that Nebraska will be treated fairly.".

(Signed) Maurice A. Kremer, Chairman

UNANIMOUS CONSENT—Bracket Bills

Mr. Duis asked unanimous consent to have LB 68, LB 68A and LB 86 bracketed on General File until Thursday, March 8, 1973. No objections. So ordered.

VISITORS

President Marsh introduced Mr. Kenny Gray and 13 members of the Alliance Community Guidance Center, Alliance, Nebraska.

ADJOURNMENT

At 12:01 p.m., on a motion by Speaker Proud, the Legislature adjourned until 9:00 a.m., Tuesday, March 6, 1973.

Vincent D. Brown
Clerk of the Legislature

FORTY-THIRD DAY—MARCH 6, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

FORTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 6, 1973

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Marsh presiding.

PRAYER

Prayer was offered by the Chaplain.

> Our eyes are closed in prayer just now, O Lord our God, but in a moment they will be open once more to the calendar, the journal, the letters, the bills, the papers, the vote tally, the record.
>
> And then also will the eyes of many be open and looking down upon us here; a few from the galleries in this room; some through the news media back home; others, in time, perhaps, from the pages of history.
>
> Remind us also, O God, that Your eyes are open, and You see what is going on in this House, and in each heart within it. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Kennedy and Snyder who were excused and Mr. Fellman who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-second Day was approved.

UNANIMOUS CONSENT—Member Excused

Mr. Epke asked unanimous consent to be excused tomorrow, March 7. No objections. So ordered.

ATTORNEY GENERAL OPINION

March 2, 1973

Senator Gary L. Anderson
Nebraska State Legislature
State Capitol
Lincoln, Nebraska

Dear Senator Anderson:

In your letter of inquiry you note that L.B. 197 provides, inter alia, that "Educational Service Units may purchase, lease, or lease-purchase equipment necessary for providing services to member school districts." You also note that Senator Waldron's amendment, adopted 23 February 1973 provides that "Any equipment purchased or lease-purchased under the authority of this section shall not be resold to any other government subdivision unless it is no longer functional." You then state that Education Service Units have been conducting cooperative purchasing programs to provide equipment to member schools at lower cost and ask our opinion as to whether the language of L.B. 197 can be construed in anyway as to preclude these cooperative purchasing programs.

Senator Waldron's amendment, adopted 22 February 1973, would add one sentence to the end of section 3 of L.B. 197 which had been amended the previous day by Senator Barnett's amendment. Consequently section 3 of L.B. 197, as of 22 February 1973, would read as follows:

> "79-2201.01. In order to carry out the purposes provided in section 79-2201, educational service units may purchase or lease-purchase real estate and may purchase, lease, or lease-purchase equipment necessary for providing services to member school districts. The lease or purchase agreement for equipment shall not extend beyond 10 years. Any equipment purchased or lease-purchased by the ESU's shall not be resold to other governmental subdivisions, unless the equipment is no longer functional."

As amended above, the statute is somewhat ambigious. On the one hand it purports to grant educational service units the power to "purchase, lease, or lease-purchase equipment necessary for providing services to member school districts" and on the other hand it states that "[a]ny equipment purchased or lease-purchased by the ESU's shall not be resold to other governmental subdivisions, unless the equipment is no longer functional." We also wish to advise you that an E & R amendment to L.B. 197 of 23 February 1973 would modify Senator Waldron's amendment. Consequently section 3 of L.B. 197, as of 23 February 1973, would read as follows:

> "79-2201.01. In order to carry out the purposes provided in section 79-2201, educational service units may purchase or lease-purchase real estate and may purchase, lease, or lease-purchase equipment necessary for providing services to

> member school districts. The lease or purchase agreement for equipment shall not extend beyond 10 years. Any equipment purchased or lease-purchased under the authority of this section shall not be resold to any other governmental subdivision unless it is no longer functional."

As amended above, the statute is also somewhat ambigious. On the one hand it purports to grant educational service units the power to "purchase or lease-purchase equipment necessary for providing services to member school districts" and on the other hand it states that "[a]ny equipment purchased or lease-purchased under the authority of this section shall not be resold to any other governmental subdivision unless it is no longer functional." It could, of course, be argued that the phrase "any other governmental subdivision" refers to and means a governmental subdivision other than a school district. If that is the legislative intent, then section 3 of L.B. 197, as of 23 February 1973, could be construed to authorize educational service units to purchase, lease, or lease-purchase equipment necessary for providing services to member school districts but any such equipment could only be resold to member school districts and to no other governmental subdivision unless it is no longer functional. We suggest that this matter be clarified.

Very truly yours,

CLARENCE A. H. MEYER
Attorney General

(Signed) Harold Mosher
Assistant Attorney General

HM:jc
cc: Vincent Brown

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 112. Replaced on Select File as amended.
E & R amendments to LB 112:

1. In lieu of the Cavanaugh amendment, strike the Marsh amendment to page 4, line 4.
2. In line 5 of E & R 6, insert "first" after "the".
3. In E & R 7, insert "the first" at the end of line 2; and in the last line strike "17" and insert "16".
4. In line 6 of E & R 10, insert "like" after "the".
5. In line 3 of E & R 11, strike "both" and insert "the second and third".

LEGISLATIVE BILL 173. Placed on Select File as amended.
E & R amendments to LB 173:

1. On page 2, line 19, strike "State"; and in lines 22 and 23, strike "the Department of".
2. In standing committee amendment 1, line 3 strike the second "or" and insert "of".

LEGISLATIVE BILL 453. Placed on Select File as amended.
E & R amendment to LB 453:

1. In the title, line 5, strike "voting for" and insert "a vote of the people for purchasing or erecting".

LEGISLATIVE BILL 301. Placed on Select File as amended.
E & R amendments to LB 301:

1. On page 8, line 15, strike the comma.
2. In line 1 of the Kime amendment, insert "Sec. 3." before "Since" and supply paragraphing.
3. In the title, line 4, strike "and"; and in line 5, insert "; and to declare an emergency" after "section".

LEGISLATIVE BILL 284. Placed on Select File as amended.
E & R amendment to LB 284:

1. On page 2, line 12, insert "the" after "of".

LEGISLATIVE BILL 317. Placed on Select File as amended.
E & R amendments to LB 317:

1. On page 2, line 14, insert "person" after the second "the"; in line 15, strike "person" and insert "~~person~~ or placed on probation"; and in line 20, strike the new matter and after the second "of" insert "or probation for".
2. In standing committee amendment 1, line 3, and amendment 2, line 2, insert "under section 39-7,128" after "points".
3. In the title, strike lines 4 to 8 and insert "rules of the road; to provide for records of persons placed on probation; to provide for the furnishing of abstracts of judgments of conviction or probation; to provide when points shall and shall not be assessed; and to repeal the original sections.".

(Signed) John J. Cavanaugh, Chairman

STANDING COMMITTEE REPORTS

Agriculture and Environment

LEGISLATIVE BILL 36. Indefinitely postponed.

LEGISLATIVE BILL 98. Indefinitely postponed.

LEGISLATIVE BILL 195. Indefinitely postponed.

LEGISLATIVE BILL 496. Placed on General File as amended.
Standing Committee amendments to LB 496:

1. On page 2, line 8 strike "biennium" and insert "year"; in line 9 at the end of the line strike "the"; in line 10 strike "biennium" and insert "each year"; in line 12 strike "biennium" and insert "year" and after "Fund" insert ", except that no part of the funds collected under section 66-467.01 shall lapse to the General Fund"; in line 16 strike "biennium" and insert "year".

2. On page 4, line 15 strike "committee" and insert "Agricultural Products Industrial Utilization Committee"; in line 18 strike "subject to confirmation by the Legislature"; in line 22 strike "an annual" and insert "a biennial"; in line 23 strike "members" and insert "committee and the executive board".

3. Add the Emergency Clause.

(Signed) Loran Schmit, Chairman

Public Works

LEGISLATIVE BILL 415. Placed on General File.

LEGISLATIVE BILL 447. Placed on General File as amended.
Standing Committee amendments to LB 447:

1. Strike sections 1 to 9 and insert the following:

"Section 1. The State Building Commission shall cause plans, working drawings, and specifications to be prepared for building a state office building to be located on block 91, and for providing parking facilities on the north half of block 92, and the north half of block 96, all in the original plat to Lincoln, Nebraska. The commission is empowered to employ a director, architects, and draftsmen for the preparation of such plans, working drawings, and specifications, and may contract in the name of the State of Nebraska for the securing of the services of such persons. The commission shall adopt plans to provide sufficient office space for the state beyond 1980. Such building and facilities shall be provided at a total cost of not to exceed twenty million dollars, plus interest earned by the State Office Building Fund.

Sec. 2. The State Building Commission is authorized to enter into an agreement with the city of Lincoln, Nebraska pursuant to the provisions of sections 72-1401 to 72-1408, providing for the supplying by the city of Lincoln to the State of Nebraska of a state office building to be located on block 91, original plat to Lincoln, Nebraska, and the providing of parking facilities for motor vehicles and related services on the north half of blocks 92 and 96, all in the original plat to Lincoln, Nebraska. The State Building Commission is authorized to convey to the city of Lincoln all of the real estate described herein for the purposes described.

Sec. 3. That section 72-716.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-716.01. There is hereby created, for the use of the State Building Commission, a fund to be known as the State Office Building Fund, to consist of ~~the proceeds of a tax of twenty hundredths of a mill on the dollar of assessed valuation of the grand assessment roll of the state, which tax shall be levied in the years 1965, 1966, 1967, and 1968, and~~ such ~~other~~ money as appropriated to such fund by the Legislature. Any money in the State Office Building Fund available for investment shall be invested by the state investment officer pursuant to the provisions of sections 72-1237 to 72-1259.

Sec. 4. That section 72-716.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-716.02. The proceeds of the State Office Building Fund created by section 72-716.01 shall be expended by the State Building Commission, as and when appropriated by the Legislature, as follows:

(1) Eight hundred thousand dollars for the erection and equipping of a laboratory building to be located on real estate owned by the State of Nebraska, north of the State Penitentiary near the northwest corner of Fourteenth and Stockwell Streets in the city of Lincoln; and

(2) The balance to be used for the costs and payments to be made by the State of Nebraska to the city of Lincoln for the use by the state of such building or facility or portion thereof, as described in section ~~72-718.01~~ 1 of this act and equipping the same. ~~, which building may be known as the Nebraska Centennial Building if the state is the sole user and occupier thereof, to be located as provided in section 72-718.01.~~

Sec. 5. That section 77-2602, Revised Statutes Supplement, 1972, be amended to read as follows:

77-2602. Every person, engaged in distributing or selling cigarettes at wholesale in this state, shall pay to the Tax Commissioner of this state a special privilege tax. This shall be in addition to all other taxes. It shall be paid prior to or at the time of the sale, gift, or delivery to the retail dealer in the several amounts as follows: On all cigarettes thirteen cents per package containing not more than twenty cigarettes, and on packages containing more than twenty cigarettes a tax of thirteen cents for the first twenty cigarettes and thirteen cents for each twenty cigarettes orfractional part thereof in excess of twenty cigarettes. The proceeds of eight cents of such tax shall be placed in the General Fund and the proceeds of the remaining five cents of such tax shall be distributed in the following order:

First, in each fiscal year beginning with the fiscal year commencing July 1, 1972, there shall be first transferred to the University of Nebraska at Lincoln Field House Fund, which is hereby created, the sum of two million four hundred thousand dollars, and the money in such fund shall be used to make the annual payments on the lease of the field house building constructed pursuant to the provisions of section 85-1,100. All money in such fund is hereby appropriated for the fiscal year ending June 30, 1973, for the purposes stated in this subdivision;

Second, for the fiscal year beginning July 1, 1972, there shall be placed in a special fund to be known as the State Board of Agriculture Improvement Fund the sum of one million two hundred thousand dollars and for the fiscal year beginning July 1, 1973, there shall be placed in such fund the additional sum of one million two hundred thousand dollars, which fund is hereby created and which shall be used by the State Board of Agriculture to pay its costs resulting from the construction of the University of Nebraska at Lincoln Field House and the use of related parking facilities for such field house. All money in the State Board of Agriculture Improvement Fund is hereby appropriated for the fiscal year ending June 30, 1973, for the purpose stated in this subdivision; ~~and~~

Third, there shall be placed in the State Office Building Fund the sum of one million two hundred thousand dollars each year for fiscal years 1974-75, 1975-76, 1976-77, and 1977-78 and three million six hundred thousand dollars for each fiscal year beginning with 1978-79 through 1983-84. Such amounts are hereby appropriated and the unexpended balances existing in such fund at the end of each fiscal year through June 30, 1984, are hereby reappropriated; and

Fourth, the balance of such proceeds shall be placed in a special fund to be known as the State of Nebraska Capital Construction Fund and disbursements from such fund shall be as the Legislature shall from time to time provide.

Sec. 6. The State Building Commission may negotiate for the purchase of an existing building to house the Nebraska Library Commission within the limitation of funds appropriated therefor. If such purchase is made, no space in the new state office building shall be allocated to the Nebraska Library Commission.

Sec. 7. That original sections 72-716.01 and 72-716.02, Reissue Revised Statutes of Nebraska, 1943, and section 77-2602, Revised Statutes Supplement, 1972, are repealed.

Sec. 8. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

LEGISLATIVE BILL 454. Placed on General File as amended.

Standing Committee amendments to LB 454:

1. On page 10, line 5, strike the words "~~three or more~~" and insert the word "apportionable".
2. On page 12, line 14, strike the words "~~three or more~~" and the words "~~of which at least two are powered,~~" and insert the word "apportionable" after the words "fleet of".
3. On page 12, line 27, strike the word "immediately".
4. On page 13, line 6, strike "77-1240.01" and insert in lieu thereof "77-1241.02".
5. On page 13, line 10, insert two new paragraphs after the words "fleet miles.", as follows:

"Temporary authority which shall permit the operation of a fleet or an addition to a fleet in this state for a period of thirty days while the application is being processed may be issued upon application to the department if necessary to complete processing of the application.

Upon completion of such processing and receipt of the appropriate fees and taxes, the department shall issue to the applicant a sufficient number of distinctive registration certificates and such other evidence of registration for display on the vehicle as the department determines appropriate for each of the motor vehicles of his fleet, identifying it as a part of interstate fleet proportionately registered.".

6. On page 13, line 11 to line 24, strike all of the old and the new language and show the old matter as stricken.

7. On page 15, line 25 reinstate the stricken matter; line 27 strike the new matter.

8. On page 16, lines 1 and 2, strike the new matter and insert "shall have their registration certificates issued only after all fees and taxes are paid".

LEGISLATIVE BILL 457. Placed on General File.

(Signed) Maurice A. Kremer, Chairman

NOTICE OF COMMITTEE HEARINGS
Miscellaneous Subjects

LB 506	Thursday, March 15, 1973	1:30 p.m.
LB 507	Thursday, March 15, 1973	1:30 p.m.
LB 508	Thursday, March 15, 1973	1:30 p.m.
LB 509	Thursday, March 15, 1973	1:30 p.m.
LB 510	Thursday, March 15, 1973	1:30 p.m.

(Signed) J. James Waldron, Chairman

Committee on Committees

March 6, 1973

The Committee on Committees will meet at 1:00 p.m., Wednesday, March 14, 1973, in the East Hearing Room, Room 2227, for the purpose of considering the following appointments submitted by Governor J. James Exon:

Herbert G. Andrews – Motor Vehicle Industry Licensing Board
Dick L. Flynn – Motor Vehicle Industry Licensing Board
Kenneth Hilton – Motor Vehicle Industry Licensing Board

(Signed) Ramey C. Whitney, Chairman

MOTION–Return LB 138 to Select File

Mr. Richendifer moved to return LB 138 to Select File for consideration of the following specific amendment:

Add the Emergency Clause.

The motion prevailed with 39 ayes, 0 nays and 10 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 163. With Emergency.

A BILL FOR AN ACT authorizing and directing the Game and Parks Commission to convey certain real estate to certain subdivisions for park and recreation purposes; to prescribe conditions; to provide an operative date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
Clark
DeCamp
Dickinson
Epke
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Keyes
Kime
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Nore
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 3:

Duis
Kennedy
Snyder

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 276.

A BILL FOR AN ACT to amend section 16-241, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the first class; to eliminate restrictions relating to cemetery control; to repeal the original section, and also section 12-205, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
Cavanaugh	Chambers	Clark	DeCamp	Dickinson
Duis	Epke	Fellman	Fowler	Goodrich
Hasebroock	Johnson	Kelly	Keyes	Kime
Kremer	F. Lewis	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Moylan	Murphy	Nore
Proud	Rasmussen	Richendifer	Savage	Schmit
Simpson	Skarda	Stahmer	Stromer	Stull
Syas	Waldron	Warner	Whitney	Wiltse

Voting in the negative, 0.

Not voting, 4:

F. Carstens	Kennedy	Marvel	Snyder

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 337. With Emergency.

A BILL FOR AN ACT to amend section 2-1504, Revised Statutes Supplement, 1972, relating to the Nebraska Natural Resources Commission; to correct an internal reference; to change provisions for appointments; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	Clark	DeCamp
Dickinson	Duis	Epke	Fellman	Goodrich
Hasebroock	Johnson	Kelly	Keyes	Kime
Kremer	F. Lewis	Luedtke	Maresh	Marsh
Moylan	Murphy	Nore	Proud	Rasmussen
Richendifer	Savage	Schmit	Simpson	Skarda
Stahmer	Stromer	Stull	Syas	Waldron
Warner	Whitney	Wiltse		

Voting in the negative, 0.

Not voting, 6:

Fowler Kennedy R. Lewis Mahoney Marvel
Snyder

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION—Return LB 12 to Legislature

Mr. Chambers moved to request the Governor to return LB 12 to the Legislature for further consideration.

The motion prevailed with 31 ayes, 3 nays and 15 not voting.

MOTION—Return LB 102 to Legislature

Mr. Savage moved to request the Governor to return LB 102 to the Legislature for further consideration.

The motion prevailed with 35 ayes, 0 nays and 14 not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 13A, 34, 206, 224, 339, 351 and 390.

Correctly Enrolled

The following bills were correctly enrolled: 166, 189, 201, 201A and 213.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bills: 166, 189, 201, 201A and 213.

RESOLUTION

LEGISLATIVE RESOLUTION 17.

Introduced by Simpson, 46th District.

WHEREAS, the University of Nebraska at Lincoln indoor track team has just won the Big Eight title for the second year in a row; and

WHEREAS, the Legislature is justly proud of their outstanding accomplishment.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

The Legislature commends Coach Frank Sevigne and each member of the indoor track team for its success.

Mr. Simpson moved to suspend the rules and adopt LR 17. The motion prevailed with 32 ayes, 0 nays and 17 not voting.

SELECT FILE

LEGISLATIVE BILL 167. E & R amendments found in the Journal on page 669 for the Forty-second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 241. E & R amendment found in the Journal on page 669 for the Forty-second Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 231. E & R amendments found in the Journal on page 669 for the Forty-second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 46. E & R amendments found in the Journal on page 669 for the Forty-second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 243. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 210. E & R amendments found in the Journal on page 670 for the Forty-second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 138. The Richendifer specific amendment found in today's Journal was adopted with 29 ayes, 0 nays and 20 not voting.

Advanced to E & R for Re-engrossment.

MOTION—Reconsider Action on LB 12

Mr. Chambers moved to reconsider action on LB 12 on Final Reading. The motion prevailed with 28 ayes, 1 nay and 20 not voting.

MOTION—Return LB 12 to Select File

Mr. Chambers moved to return LB 12 to Select File for consideration of the following specific amendments:

1. On page 11 add 2 new sections to be known as sections 10 and 11, and to read as follows:

"Sec. 10. Cities of the metropolitan class shall elect a mayor for such term as may be provided by the laws and ordinances of such city.

Sec. 11. Vacancies in the office of mayor or council shall be filled as provided by local law. Vacancies in the council shall be filled by appointment from the district in which the vacancy occurred. Salaries of the mayor and members of the council shall be determined by local law.".

2. Renumber original section 10 as section 12.

3. On page 2, line 22 reinstate "May" and strike "July".

4. On page 4, lines 1 and 19 reinstate "April" and strike "June".

5. On page 5, line 21 reinstate "April" and strike "June".

6. On page 12 add a new section 13 to read as follows:

"Sec. 13. The provisions of this act, except renumbered section 12, shall become operative on January 1, 1977, and renumbered section 12 shall become operative when the first council elected under this act shall take office.".

7. Renumber original section 11 as section 14.

8. On page 12, line 15 strike "section" and insert "sections 14-203," and on line 16 insert "and 14-222," before "Reissue".

The motion prevailed with 26 ayes, 1 nay and 22 not voting.

SELECT FILE

LEGISLATIVE BILL 12. The Chambers specific amendments found in today's Journal were adopted with 26 ayes, 1 nay and 22 not voting.

Advanced to E & R for Re-engrossment.

MOTION—Reconsider Action on LB 102

Mr. Savage moved to reconsider action on LB 102 on Final Reading.

The motion prevailed with 29 ayes, 0 nays and 20 not voting.

MOTION–Return LB 102 to Select File

Mr. Savage moved to return LB 102 to Select File for consideration of the following specific amendment:

Page 2, Line 20 after America insert the words "selected by the board".

The motion prevailed with 34 ayes, 0 nays and 15 not voting.

SELECT FILE

LEGISLATIVE BILL 102. The Savage specific amendment found in today's Journal was adopted with 30 ayes, 0 nays and 19 not voting.

Advanced to E & R for Re-engrossment.

MOTION–Suspend Rules

Mr. Luedtke moved to suspend the Rules to introduce five new bills by the Committee on Judiciary (Request Nos. 351, 572, 614, 673 and 698).

The motion prevailed with 31 ayes, 0 nays and 18 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 517. By Judiciary Committee: Luedtke, 28th District, Chairman; Stull, 49th District; Carpenter, 48th District; Barnett, 26th District; DeCamp, 40th District; Fellman, 4th District; Chambers, 11th District; Richendifer, 16th District.

A BILL FOR AN ACT to repeal sections 76-601 to 76-644, Reissue Revised Statutes of Nebraska, 1943, relating to standards of title examination.

LEGISLATIVE BILL 518. By Judiciary Committee: Luedtke, 28th District, Chairman; Stull, 49th District; Carpenter, 48th District; Chambers, 11th District; Barnett, 26th District; Richendifer, 16th District; DeCamp, 40th District.

A BILL FOR AN ACT to amend section 9-401, Uniform Commercial Code, Cumulative Supplement, 1972, relating to secured transactions; to change a filing provisions; and to repeal the original section.

LEGISLATIVE BILL 519. By Judiciary Committee: Luedtke, 28th District, Chairman; Stull, 49th District; Carpenter, 48th District; Chambers, 11th District; Richendifer, 16th District; DeCamp, 40th District; Barnett, 26th District.

A BILL FOR AN ACT to amend section 43-236.01, Reissue Revised Statutes of Nebraska, 1943, relating to infants; to provide procedure for use of referees in juvenile courts; and to repeal the original section.

LEGISLATIVE BILL 520. By Judiciary Committee: Luedtke, 28th District, Chairman; Stull, 49th District; Carpenter, 48th District; Barnett, 26th District; DeCamp, 40th District; Fellman, 4th District; Chambers, 11th District.

A BILL FOR AN ACT relating to operator's license; to provide for deposit of an operator's license as security to appear in court as prescribed; and to provide for failure of operator to appear.

LEGISLATIVE BILL 521. By Judiciary Committee: Luedtke, 28th District, Chairman; Stull, 49th District; Carpenter, 48th District; Chambers, 11th District; Richendifer, 16th District; DeCamp, 40th District; Barnett, 26th District.

A BILL FOR AN ACT to amend section 25-804, Reissue Revised Statutes of Nebraska, 1943, relating to statement of damages demanded in a petition filed in district court; to provide that amount of general damages not be stated; and to repeal the original section.

MOTION—Bills in Committee

Mr. Carpenter moved that as of March 23, 1973, all bills that are not out of Committee will be indefinitely postponed.

Mr. Barnett moved to amend the motion to include Resolutions.

The Barnett amendment prevailed.

The Chair ruled that the Carpenter motion would require 30 votes. Mr. Carpenter requested a record vote.

Voting in the affirmative, 27:

Barnett
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
Dickinson
Duis
Fellman
Fowler
Hasebroock
Kime
Kremer
R. Lewis
Luedtke
Mahoney
Marsh
Marvel
Moylan
Murphy
Nore
Rasmussen
Richendifer
Savage
Skarda
Syas
Wiltse

Voting in the negative, 14:

Anderson DeCamp Goodrich Johnson Keyes
F. Lewis Maresh Schmit Simpson Stromer
Stull Waldron Warner Whitney

Not voting, 8:

Burbach Clark Epke Kelly Kennedy
Proud Snyder Stahmer

The motion lost with 27 ayes, 14 nays and 8 not voting.

GENERAL FILE

LEGISLATIVE BILL 458. Bracketed on General File at the request of Mr. Burbach

LEGISLATIVE BILL 104. Laid over at the request of Mr. Syas.

LEGISLATIVE BILL 219. Considered.

Mr. Carpenter offered the following amendment:

1. On page 2 line 19 insert "or informal" after "formal".
2. Strike section 2 and renumber "section 3" as "section 2".
3. In renumbered section 2 line 26, strike "sections" and insert "section"; in lines 26 and 27 strike "and 84-1405"; and line 27 after "1972," insert "and also section 84-1405, Revised Statutes Supplement, 1972,".

The amendment was adopted with 26 ayes, 14 nays and 9 not voting.

Mr. Luedtke offered the following amendment:

Amend the bill by inserting the following language after the word "policy" in line 18, section 1 (2) page 2 of the bill "except discussion of pending or prospective litigation affecting the rights of the governing body,"

The amendment was adopted with 22 ayes, 13 nays and 14 not voting.

Mr. Proud moved to indefinitely postpone.

Mr. Carpenter requested a roll call vote on the Proud motion.

MR. WHITNEY PRESIDING

Mr. F. Lewis moved the previous question. The question is ‘Shall the debate now cease?" The motion prevailed with 35 ayes, 3 nays and 11 not voting.

PRESIDENT MARSH PRESIDING

Voting in the affirmative, 31:

Anderson
Barnett
Burbach
C. Carsten
F. Carstens
Chambers
Clark
Dickinson
Epke
Fellman
Goodrich
Hasebroock
Johnson
Keyes
Kime
F. Lewis
R. Lewis
Luedtke
Maresh
Moylan
Murphy
Proud
Rasmussen
Richendifer
Simpson
Stromer
Stull
Syas
Warner
Whitney
Wiltse

Voting in the negative, 12:

Carpenter
Cavanaugh
DeCamp
Fowler
Kelly
Mahoney
Marsh
Marvel
Nore
Schmit
Skarda
Stahmer

Not voting, 6:

Duis
Kennedy
Kremer
Savage
Snyder
Waldron

The Proud motion to indefinitely postpone prevailed with 31 ayes, 12 nays and 6 not voting.

ANNOUNCEMENT

Mr. Maresh announced the Labor Committee will meet in Executive Session Wednesday, March 7 at 1:00 p.m. in Room 1009.

REFERENCE COMMITTEE REPORT

LB	**Committee**
517	Judiciary
518	Judiciary
519	Judiciary
520	Judiciary
521	Judiciary

(Signed) Terry Carpenter, Chairman

NOTICE OF COMMITTEE HEARINGS

Public Health and Welfare

LB 513	Tuesday, March 13, 1973	2:00 p.m.
LB 515	Tuesday, March 13, 1973	2:00 p.m.

(Signed) Richard Lewis, Vice-Chairman

Judiciary

LB 517	Wednesday, March 14, 1973	2:00 p.m.
LB 518	Wednesday, March 14, 1973	2:00 p.m.
LB 519	Wednesday, March 14, 1973	2:00 p.m.
LB 520	Wednesday, March 14, 1973	2:00 p.m.
LB 521	Wednesday, March 14, 1973	2:00 p.m.

(Signed) Roland Luedtke, Chairman

Public Works

LB 514	Wednesday, March 14, 1973	2:00 p.m.

(Signed) Maurice A. Kremer, Chairman

STANDING COMMITTEE REPORTS

Constitutional Revision

LEGISLATIVE BILL 331. Placed on General File as amended.
Standing Committee amendments to LB 331:

Page 2, line 6, insert "crow" after the word "mussels".

Page 5, line 21, strike "or" and insert "~~or~~,"; after the word "animals," insert "crows,".

(Signed) Gary L. Anderson, Vice-Chairman

Nebraska Retirement Systems

LEGISLATIVE BILL 468. Indefinitely postponed.

LEGISLATIVE BILL 250. Placed on General File.

LEGISLATIVE BILL 352. Placed on General File.

(Signed) Ramey C. Whitney, Chairman

Judiciary

LEGISLATIVE BILL 26. Indefinitely postponed.

LEGISLATIVE BILL 129. Indefinitely postponed.

LEGISLATIVE BILL 207. Indefinitely postponed.

LEGISLATIVE BILL 433. Indefinitely postponed.

LEGISLATIVE BILL 268. Placed on General File.

(Signed) Roland A. Luedtke, Chairman

ANNOUNCEMENT

President Marsh and the members welcomed Senator Johnson back to the Legislature.

VISITORS

President Marsh introduced Claudia Stahmer, daughter of Senator David Stahmer, who has won three Gold Medals and established new records in the Bantam and Midget Division in running long jump, and who placed first in the nation in 1970 and third in the nation in 1972.

President Marsh introduced Dr. Carlos M. Muniz, Ambassador of Argentina to the United States; Dr. Raul Estrada, Cultural Attache to Dr. Muniz; Dr. Jose M. Llados, First Secretary of Embassy of Argentina; and Dr. Roberto Esqunazi Mayo, escort.

President Marsh introduced 14 Seventh Grade students and their teachers, Messrs. Arganbright and Guenzel from Robin Mickle School, Lincoln.

President Marsh introduced 75 Eleventh and Twelfth Grade students and their teachers, Messrs. Hicks, Isenhagen and Hummel from Palmyra High School, Palmyra.

President Marsh introduced 51 Ninth Grade students and teacher, Mr. Sommers from Ralston High School, Ralston.

President Marsh introduced 21 Eighth Grade students and their teachers, Mrs. Stapleton, Miss Shook, Miss Craft and Mr. McCoy from Robin Mickle Jr. High, Lincoln.

President Marsh introduced 35 High School students and their teacher, Mr. Don Weeks; Sponsors, Mesdames. Stastney and Votipka; from Tobias Meridian School, Tobias.

President Marsh introduced 28 Senior High students and teachers Myers, Timmerman and Weber from Wisner-Pilger School, Wisner.

President Marsh introduced 15 Third, Fourth and Fifth grade students and teacher, Mrs. Herman Karlin, from Nickerson School, Nickerson.

President Marsh introduced 50 Senior students and teacher, Mr. Martens from Schuyler High School, Schuyler.

ADJOURNMENT

At 11:58 a.m., on a motion by Mr. Hasebroock, the Legislature adjourned until 9:00 a.m., Wednesday, March 7, 1973.

Vincent D. Brown
Clerk of the Legislature

FORTY-FOURTH DAY—MARCH 7, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

FORTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 7, 1973

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Marsh presiding.

PRAYER

Prayer was offered by the Chaplain.

> For one moment at least, O Lord our God, we would close our eyes to journals and letters and bills, and open our hearts to the spiritual inspirations of Ash Wednesday . . . start of the season of reflection, of rededication, of inner renewal for most of us in this House, and for most of those we represent.
>
> Do not permit us, in our concentration on legislative details before us, to deny ourselves the intended blessing of this day, and of this season of Lent.
>
> Remind us just now of that One who came to earth 2,000 years ago as Your representative on earth. May this season in which we devote special reverence to Him become a blessing to each member of this House. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Epke, DeCamp, Mahoney, Marvel and Waldron who were excused; Mr. Fellman who was excused until he arrives; Mr. Chambers who was absentuntil 9:45 a.m.

CORRECTIONS FOR THE JOURNAL

Page 657, line 31, add "Whitney and Wiltse".
Page 661, line 17, insert after "LEGISLATIVE BILL 273." the following: "Standing Committee amendments found in the Journal on page 472 for the Thirty-first Day were adopted.".
The Journal for the Forty-first Day was approved as corrected.
The Journal for the Forty-third Day was approved.

MESSAGE FROM THE GOVERNOR

March 2, 1973

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment requiring legislative confirmation:

> John Mason, 2411 Craig, Sidney, Nebraska, to the Oil and Gas Conservation Commission to replace John D. Knapp, resigned

I respectfully submit this appointment for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 167. Replaced on Select File as amended.
E & R amendment to LB 167:

1. On page 29, line 22, strike "Sec. 8." and insert "Sec. 7.".

LEGISLATIVE BILL 12. Replaced on Select File as amended.
E & R amendments to LB 12:

(Note: The Chambers amendments adopted 3/6 refer to the Final Reading (Second) version of the bill.)

1. In new section 10, line 1, strike "Cities" and insert "A city".
2. In new section 13, lines 1 and 2, strike "renumbered".
3. In the title, as amended, strike line 5 and "elections;" in line 6 and insert "as prescribed;"; in line 6 insert "; to provide for election of the mayor; to provide for the filling of vacancies; to provide operative dates" after "procedure"; and in line 10, strike

"Section 14-217" and insert "sections 14-203, 14-217, and 14-222".

LEGISLATIVE BILL 102. Replaced on Select File as amended.
E & R amendment to LB 102:

1. In lieu of the Savage amendment adopted 3/6, on page 2, line 19, insert "selected by the board" after "America".

LEGISLATIVE BILL 273. Placed on Select File as amended.
E & R amendments to LB 273:

1. In line 3 of standing committee amendment 1, strike the comma and insert "and".
2. On page 3, line 3, insert "any" after "deny"; in line 18 strike "of a housing authority"; and in line 20, strike the semicolon and insert an underscored comma.
3. In standing committee amendment 2, line 3, strike "then".
4. In lieu of the Schmit amendments, on page 3, lines 17, 19, 21, and 22, strike "shall" and insert "may".
5. In standing committee amendment 3, line 3, strike the first comma; and in line 6 strike "as" and strike the first period.
6. On page 5, line 10, insert "to" after "delegate".
7. On page 6, line 14, insert an underscored comma after "regulate".
8. In the title, line 8, insert "to provide for confirmations; to provide for vacancies; to provide a restriction;" after the semicolon.

LEGISLATIVE BILL 232. Placed on Select File as amended.
E & R amendment to LB 232:

1. In the title, line 8, strike "general" and insert "primary"; and in line 9, strike "November" and insert "May".

Correctly Enrolled

The following bills were correctly enrolled: 163, 276 and 337.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following: LB 163, LB 276, LB 337, LR 16 and LR 17.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 65.

A BILL FOR AN ACT to amend sections 79-4,103 and 70-4,104, Reissue Revised Statutes of Nebraska, 1943, relating to public schools; to provide for year-round operation of public schools; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 29:

Anderson	Barnett	Carpenter	Cavanaugh	Clark
Dickinson	Fowler	Hasebroock	Johnson	Kennedy
Keyes	F. Lewis	R. Lewis	Luedtke	Maresh
Marsh	Moylan	Murphy	Proud	Rasmussen
Richendifer	Schmit	Simpson	Skarda	Snyder
Stahmer	Warner	Whitney	Wiltse	

Voting in the negative, 10:

Burbach	C. Carsten	F. Carstens	Goodrich	Kime
Kremer	Nore	Stromer	Stull	Syas

Not voting, 10:

Chambers	DeCamp	Duis	Epke	Fellman
Kelly	Mahoney	Marvel	Savage	Waldron

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 215.

A BILL FOR AN ACT to amend section 79-1050, Reissue Revised Statutes of Nebraska, 1943, relating to the retirement system of Class V school districts; to provide for annual audits as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Anderson Barnett Burbach Carpenter C. Carsten
F. Carstens Clark Dickinson Fowler Goodrich
Hasebroock Johnson Kelly Kennedy Keyes
Kime Kremer F. Lewis R. Lewis Luedtke
Maresh Marsh Moylan Murphy Nore
Proud Rasmussen Richendifer Savage Schmit
Simpson Skarda Snyder Stahmer Stromer
Stull Syas Warner Whitney Wiltse

Voting in the negative, 0.

Not voting, 9:

Cavanaugh Chambers DeCamp Duis Epke
Fellman Mahoney Marvel Waldron

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 263.

A BILL FOR AN ACT to amend section 81-2,147.03, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Seed Law; to provide for unlawful acts; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Anderson Barnett Burbach Carpenter C. Carsten
F. Carstens Cavanaugh Clark Dickinson Fellman
Fowler Goodrich Hasebroock Johnson Kelly
Kennedy Keyes Kime Kremer F. Lewis
R. Lewis Luedtke Maresh Marsh Moylan
Murphy Nore Proud Rasmussen Richendifer
Savage Schmit Simpson Skarda Snyder
Stahmer Stromer Stull Syas Warner
Wiltse

Voting in the negative, 0.

Not voting, 8:

Chambers
DeCamp
Duis
Epke
Mahoney
Marvel
Waldron
Whitney

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 330.

A BILL FOR AN ACT to amend sections 76-511, 76-513, 76-519, 76-523, 76-524, and 76-528, Reissue Revised Statutes of Nebraska, 1943, relating to the Abstracters Board of Examiners; to change qualifications; to provide for compensation of the secretary; to clarify provisions; to provide for Certificates of Registration; to eliminate an exemption; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Clark
Dickinson
Duis
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Kremer
F. Lewis
R. Lewis
Luedtke
Marsh
Moylan
Murphy
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Warner
Wiltse

Voting in the negative, 0.

Not voting, 9:

Chambers
DeCamp
Epke
Mahoney
Maresh
Marvel
Nore
Waldron
Whitney

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 335. With Emergency.

A BILL FOR AN ACT to amend sections 2-3201, 2-3202, 2-3213, and 2-3252.01, Revised Statutes Supplement, 1972, relating to natural resources districts; to delete obsolete references to soil and water conservation districts; to repeal the original sections, and also section 2-1517.04, Revised Statutes Supplement, 1972; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 33:

Anderson
Burbach
Carpenter
F. Carstens
Clark
Dickinson
Duis
Fellman
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Kremer
F. Lewis
Luedtke
Marsh
Moylan
Murphy
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Snyder
Stahmer
Stromer
Syas
Warner

Voting in the negative, 7:

Barnett
C. Carsten
Fowler
Maresh
Nore
Stull
Wiltse

Not voting, 9:

Cavanaugh
Chambers
DeCamp
Epke
R. Lewis
Mahoney
Marvel
Waldron
Whitney

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 391. With Emergency.

A BILL FOR AN ACT to amend section 3-128, Revised Statutes Supplement, 1972, relating to the Department of Aeronautics; to change the requirements for certification of aerial pesticide applicators; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Clark
Dickinson
Duis
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Kremer
F. Lewis
R. Lewis
Luedtke
Maresh
Moylan
Murphy
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Snyder
Stromer
Stull
Syas
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 9:

Chambers	DeCamp	Epke	Mahoney	Marsh
Marvel	Nore	Stahmer	Waldron	

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION–Introduce Bill

Mr. Kremer moved the introduction of a new bill by the Committee on Public Works (Request No. 806). The motion prevailed with 31 ayes, 0 nays and 18 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 522. By Public Works Committee: Kremer, 34th District, Chairman; Warner, 25th District; Hasebroock, 18th District; Wiltse, 1st District; Moylan, 6th District; R. Lewis, 38th District; Stromer, 36th District; Goodrich, 20th District.

A BILL FOR AN ACT to amend section 60-1701, Revised Statutes Supplement, 1972, relating to motor vehicles; to exempt certain vehicles from inspection as prescribed; and to repeal the original section.

APPRECIATION

Mr. Kennedy thanked the members for the flowers and cards while he was in the hospital.

UNANIMOUS CONSENT–Member Excused

Mr. Kelly asked unanimous consent to be excused Thursday, March 8 at 10:30 a.m. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 112. Laid over at the request of Mrs. Marsh.

LEGISLATIVE BILL 173. E & R amendments found in the Journal on page 685 for the Forty-third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 453. E & R amendment found in the Journal on page 685 for the Forty-third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 301. E & R amendments found in the Journal on page 685 for the Forty-third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 284. E & R amendment found in the Journal on page 685 for the Forty-third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 317. E & R amendments found in the Journal on page 685 for the Forty-third Day were adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Change of Order

Mr. Hasebroock asked unanimous consent to consider LR 13 on General File at this time. No objections. So ordered.

ATTORNEY GENERAL OPINIONS

March 2, 1973

Senator Maurice A. Kremer
Nebraska State Legislature
State Capitol
Lincoln, Nebraska

Dear Senator Kremer:

In your letter of February 27, 1973, you ask whether the provision of L. B. 332 allowing historical or special interest vehicles of an historical nature to be registered and license plates furnished for a flat fee of fifteen dollars without payment of any additional fee, tax or license violates the provisions of Article VIII, Section 1 of the Nebraska Constitution. We conclude that it does not.

L. B. 332 defines a historic or special interest vehicles. No minimum age is required for a vehicle to be classified as an historic or special interest vehicle. However, the provision of Section 2 of the bill, giving historic or special interest vehicles special treatment with respect to licensing and taxation applies only to such vehicles which are 20 years or more old at the time of making application for registration or transfer of title. This section provides that such a vehicle may be registered upon payment of a fee of $15.00 and furnished license plates of distinctive design in lieu of the usual license plates. This registration shall be valid while the vehicle is owned by the applicant without payment of any additional fee, tax, or license.

Section 3 of the bill provides that such vehicles may be used for the same purposes as other motor vehicles of the same type except that such vehicles may not be used to transport passengers for hire, with some exceptions spelled out in the bill.

Article VIII, Section 1 of the Constitution provides that taxes shall be levied by valuation uniformly and proportionately upon all tangible property, and your question is whether L. B. 332 violates this provision. In spite of the language requiring uniform and proportionate taxation, numerous exceptions have been added to Article VIII by amendments. One of these is found in Article VIII, Section 2, which provides that the Legislature may classify personal property in such manner as it sees fit, and may exempt any of such classes, or may exempt all personal property from taxation. L. B. 332, in effect, exempts historic and special interest vehicles over 20 years of age which are registered in the manner prescribed by the act from ad valorem taxation, since the registration fee prescribed by the act is in no sense an advalorem tax. Since the Legislature is authorized to classify personal property for purposes of taxation, the basic question is whether the class described as historic or special interest vehicles over 20 years of age is a reasonable one, since it is basic constitutional law that it is competent for the Legislature to classify for purposes of legislation, if the classification rests on some reason of public policy, some substantial difference of situation or circumstances, that would naturally suggest the justice or expediency of diverse legislation with respect to the objects to be classed. See Shear v. County Board of Commissioners of Rock County, 187 Neb. 849, 195 N. W. 2d 151.

We are not prepared to say that is unreasonable for the Legislature to classify the types of motor vehicles covered by the act differently from other motor vehicles, or other personal property. Most motor vehicles are kept and used for utilitarian purposes of transportation, while the vehicles in question would, for the most part, be kept as hobbies and for showing to the public. The requirement that such vehicles be more than 20 years of age provides some protection against abuse of the registration provision, so that few attempts would be made to register a vehicle which was to be used for transportation as an historic or special interest vehicle. No doubt the argument has been made that it is important that some samples of such vehicles be preserved for future generations for historic purposes. Under these circumstances, we cannot say that classifying such vehicles for purposes of taxation differently from other motor vehicles or from other personal property has no rational basis. Since the Legislature has been given authority to classify personal property for purposes of taxation, we therefore conclude that L. B. 332 is not in violation of the uniformity provision of Article VIII, Section 1 of the Constitution.

Very truly yours,

CLARENCE A. H. MEYER
Attorney General

(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:cp
cc: Vince D. Brown

March 6, 1973

Senator Terry Carpenter
Nebraska State Legislature
State Capitol
Lincoln, Nebraska

Dear Senator Carpenter:

In your letter of March 1, 1973, you ask whether state building and loan laws will take precedence over federal legislation and prevail over federal law when concerned with federally chartered savings and loan associations, and whether the State of Nebraska can currently pass new laws which will govern federally chartered institutions as well as state chartered institutions.

In answer to your first question, state law cannot take precedence over federal law pertaining to federal savings and loan associations. Federal savings and loan associations are created by federal statutes, and are subject to federal regulations and to supervision and control by the Federal Home Loan Bank Board. In the case of Ochs v. Washington Heights Federal Savings and Loan Association, 215 N. E. 2d 485, 17 N. Y. 2d 82, 268 N. Y. S. 2d 294 (1966), the court held that since a federal savings and loan association was an instrumentality of the United States, no New York statute was directly applicable to the supervision and control of its internal management, but that such a federal association was subject to the law of the state unless it conflicted with a federal law, policy or preemption by Congress. There is therefore no question that, in case state law conflicts with federal law dealing with the control and management of federal savings and loan associations, federal law will prevail.

It is difficult to give a categorical answer to your second question in general terms. It is possible that the state might pass some laws which might, at least indirectly affect federal savings and loan associations in areas which have not been preempted by the federal government. Before we could give you a definite answer to your question, we would have to look at specific legislation, to see whether it was in such a non-preempted area. We believe, however, that such areas are rather small, as the Federal Home Loan Bank Board pretty thoroughly supervises and controls the operations of such associations. There are some areas in which the federal act defers to state statutes, as for example, in 12 U. S. C. A. section 1464, in which the federal associations are authorized to invest in or lend money to business development credit corporations in the same manner and to the same extent as the statutes of the state in which the association is located authorize a state association to invest in or lend money to such corporations. Also, the federal regulations provide that the board will permit branches and mobile facilities by federal savings and loan associations if the state law or state practice permits state chartered associations to establish branches in the state. To this extent, federal associations are indirectly controlled by state law.

You will note, however, that the examples we have given in the preceding paragraph are dependent upon express federal statutory law or regulation. As a general proposition, we can say that the answer to your second question, whether the state can pass a new law which will govern federally chartered institutions as well as state chartered institutions is that it cannot.

Very truly yours,

CLARENCE A. H. MEYER
Attorney General

(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:ejg

cc Mr. Vincent D. Brown
Clerk of the Legislature

GENERAL FILE

LEGISLATIVE RESOLUTION 13. Read and Considered.

Standing Committee amendments found in the Journal on page 680 for the Forty-second Day were adopted.

Mr. Syas offered the following amendment:
Strike paragraph 3 and renumber paragraphs accordingly.

Mr. Richendifer moved the previous question. The question is, "Shall the debate now cease?" The motion prevailed with 27 ayes, 0 nays and 22 not voting.

The Syas amendment lost with 17 ayes, 19 nays and 13 not voting.

Mr. Hasebroock moved that LR 13 be adopted.

Mr. Whitney moved the previous question. The question is, "Shall the debate now cease?" The motion prevailed with 27 ayes, 1 nay and 21 not voting.

LR 13 was adopted with 28 ayes, 5 nays and 16 not voting.

MOTION—Bills and Resolutions in Committee

Mr. Carpenter moved that all bills and resolutions that have not been heard or are in the Committees to which they have been referred be indefinitely postponed as of Friday, March 23, 1973 after we have adjourned. The motion lost with 13 ayes, 17 nays and 19 not voting.

MESSAGE FROM THE GOVERNOR

March 7, 1973

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

I return herewith LB 14 and its companion LB 14A, the sixty thousand one hundred twenty one dollar spending measure, with my objections and without my signature.

Section One provides that the Superintendent of the Nebraska State Patrol shall employ three attorneys to assist County Attorneys in the "preparation and prosecution" of cases. In theory, I believe it to be improper to have enforcement and investigative personnel directly involved in prosecution. That is a legitimate function of duly elected prosecuting attorneys separate from investigative officers.

I believe that the Attorney General should be involved in such matters and would support and increase in the Attorney General's budget for one attorney under that department to furnish information to the Patrol and other law enforcement personnel in the state on drug enforcement matters. As you know, such a practice is currently followed with Deputy Attorney Generals assigned to departments of Roads, Welfare, and the Liquor Commission. It seems consistent to keep such authority centered under the Attorney General.

LB 14 provides a great deal of unnecessary language regarding duties of the Attorney General which are already spelled out in existing statutes.

There is a suggestion that such language was deemed necessary because of the change in the name of the Railway Commission to the Public Service Commission. If that was the intent of that portion of LB 14, then it would be better to enact a simply stated statute to accomplish that end.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:fw

UNANIMOUS CONSENT–Bracket LB 43

Mr. Stull asked unanimous consent to bracket LB 43 on General File for Thursday, March 15. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 194. Considered.

Mr. Barnett moved to indefinitely postpone.

Mr. Dickinson moved the previous question. The question is, "Shall the debate now cease?" The motion prevailed with 25 ayes, 3 nays and 21 not voting.

The Barnett motion lost with 5 ayes, 23 nays and 21 not voting.

Mr. Syas moved to advance LB 194 to E & R for Review.

Mr. Syas moved for a Call of the House. The motion prevailed with 27 ayes, 2 nays and 20 not voting.

Mr. Syas moved the Call be raised. The motion prevailed with 32 ayes, 1 nay and 16 not voting.

LB 194 advanced to E & R for Review with 27 ayes, 9 nays and 13 not voting.

LEGISLATIVE BILL 146. Title read. Considered.

Mr. Rasmussen asked unanimous consent to bracket the bill until LB 268 catches up with it. Mr. Chambers objected.

Mr. Carpenter moved to vote to advance LB 146 to E & R for Review and place LB 268 as first order of business on General File tomorrow. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 2 nays and 21 not voting.

UNANIMOUS CONSENT—Bracket LB 447

Mr. Luedtke asked unanimous consent to bracket LB 447 until Monday, March 12. No objections. So ordered.

UNANIMOUS CONSENT—Print in Journal

Mr. Carpenter asked unanimous consent to have the following amendments to LB 447 printed in the Journal. No objections. So ordered.

"Section 1. The State Building Commission shall cause plans, working drawings, and specifications to be revised or otherwise prepared for building a state office building ready for tenant improvements, to be located on block 91, and for providing parking facilities on the north half of block 92, and the north half of block 96, all in the original plat to Lincoln, Nebraska. The commission is empowered to employ a director, architects, and draftsmen for the revision of such plans, working drawings, and specifications, and may contract in the name of the State of Nebraska for the securing of the services of such persons. The commission shall adopt plans to provide sufficient office space for the state beyond 1980. Such plans for space shall be made on the basis of the growth history of each agency which is designated to occupy such building. Such building shall be designed so as to provide at least seventy-two per cent tenant usable space of the gross area. Subsequently the commission shall provide for subdivision improvements of the net usable space into offices for such state agencies and shall be designated as occupants of such building by the commission or the Executive Council of the Legislature. Such building and facilities shall be provided at a total cost of not to exceed twenty million dollars, plus interest earned by the State Office Building Fund.

Sec. 2. The State Building Commission is authorized to enter into an agreement with the city of Lincoln, Nebraska pursuant to the provisions of sections 72-1401 to 72-1408, providing for the supplying by the city of Lincoln to the State of Nebraska of a state office building to be located on block 91, original plat to Lincoln, Nebraska, and the providing of parking facilities for motor vehicles and related services on the north half of blocks 92 and 96, all in the original plat to Lincoln, Nebraska. The State Office Building Commission is authorized to convey to the city of Lincoln all of the real estate described herein for the purposes described."

MOTION—Withdraw LB 350

Mr. Fellman moved to withdraw LB 350. Laid over. Motion pending.

MOTION—Investigate Redistricting

Mr. F. Carstens moved that the Executive Board of the Legislature be directed by this body to investigate the possibility of redistricting the Legislature in the 1974 Session to eliminate some of the inconsistencies and irregularities now existing in the boundaries of present legislative districts and study the possibility of redistricting the Legislature in conformity with guidelines set recently by U.S. Supreme Court decision.

Laid over. Motion pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 523. By Proud, Speaker, 12th District at the Request of the Governor.

A BILL FOR AN ACT to appropriate two hundred ten thousand two hundred ninety-seven dollars from the state General Fund for the period ending June 30, 1973 to the Department of Revenue, Agency No. 16, for Program 108, Homestead Exemptions.

LEGISLATIVE BILL 311A. By Carpenter, 48th District.

A BILL FOR AN ACT to appropriate five hundred thousand dollars from the state General Fund for the period of July 1, 1973 to June 30, 1974 to the Department of Public Institutions, Agency No. 25 for Program 425, Mental Retardation, to aid in carrying out the provisions of Legislative Bill 311, Eighty-third Legislature, First Session, 1973; and to provide how the money shall be apportioned among the Mental Retardation Regions.

NOTICE OF COMMITTEE HEARINGS

Education

LB 427	Monday, March 19, 1973	2:00 p.m.
LB 495	Monday, March 19, 1973	2:00 p.m.

(Signed) Jerome Warner, Chairman

REFERENCE COMMITTEE REPORT

LB	**Committee**
522	Public Works

(Signed) Terry Carpenter, Chairman

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Re-engrossed

The following bill was correctly re-engrossed: 138.

Correctly Engrossed

The following bills were correctly engrossed: 46, 210, 231, 241 and 243.

(Signed) John J. Cavanaugh, Chairman

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 257. Placed on General File.

LEGISLATIVE BILL 258. Placed on General File.

LEGISLATIVE BILL 280. Placed on General File as amended.
Standing Committee amendments to LB 280:

1. On page 5, line 9, strike "Director of Administrative Services" and show stricken and insert "Legislature".

2. On page 5 after line 25, insert

"(4) To analyze or cause to be analyzed, at such time as he shall determine or upon request by the Legislature, the performance, management, and accomplishments of the programs of all state officers, state bureaus, state boards, state commissioners, state library, societies and associations supported by the state, state institutions, state colleges, and the University of Nebraska, and report all findings of such analysis to the Legislature. The Auditor of Public Accounts shall, upon the approval of the Legislature, appoint an analyst (a) whose time shall be devoted to the service of the state as directed by the Auditor, (b) who shall be recognized for experience in management, investigations, and good business practices, with at least ten year's experience, (c) who shall be selected without regard to party affiliation or to his place of residence at the time of his appointment, (d) who shall promptly report in such a manner as the Auditor may require, information pertaining to personnel policies, organizational structure, comparisons of performance with pre-established standards, identification and analysis of problem areas, comparison of performance to legislative intent, determination of program effectiveness, and such comments and recommendations as considered appropriate for improved operations of government, (e) who shall file an oath in the office of the Secretary of State. The Auditor shall file a duplicate of such report with the agency affected and with the Legislature.".

3. Insert a new section 3 as follows:

"Sec. 3. That section 23-1608, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-1608. An examination of the books, accounts, records and affairs of all county officers in every county in the state shall be made, by the direction and under the supervision of the Auditor of Public Accounts, ~~at least every year~~ at such times as the Auditor of Public Accounts shall determine. A complete and comprehensive annual audit of the books, accounts, records and affairs of ~~the county treasurer, county clerk, county commissioners or supervisors, register of deeds, clerk of the district court, county judge, county sheriff, county superintendent, county engineer and surveyor~~ all county officials in each county shall be made by the direction and under the supervision of the Auditor of

Public Accounts. No notice of the examination or audit shall be given the officer or any person connected with the office to be examined or audited prior to its commencement.".

4. Renumber original section 3 as section 4 and on page 5 line 26, after "sections", insert "23-1608,".

5. Add the Emergency Clause.

1. On page 5 after line 25 insert two new sections as follows:

"Sec. 3. There is hereby established the Legislative Audit Review Committee to consist of the chairman of each of the following committees: Agriculture and Environment, Appropriations, Education, Government, Military and Veterans' Affairs, Public Health and Welfare, and Revenue, and the chairman of the Executive Board. The chairman of each committee may select any member of such committee to be his alternate. The chairman of the Legislative Audit Review Committee shall be elected in December of each even-numbered year to serve commencing the first Tuesday of January of the following year until the first Tuesday of January of the next odd-numbered year. The Legislative Audit Review Committee shall elect a chairman within thirty days of the effective date of this act who shall serve until the first Tuesday of January, 1975.

Sec. 4. The Legislative Audit Review Committee shall have the following duties and responsibilities:

(1) To meet periodically with the Auditor of Public Accounts to review the audits performed by the audit staff;

(2) To review special requests from legislative members for special audit reports and, if approved, communicate such requests to the Auditor of Public Accounts;

(3) In conjunction with the Auditor of Public Accounts, to determine the means by which auditing methods can be improved so as to better provide the type of information needed by the Legislature;

(4) To continually review the workload of the audit staff and report to the Legislature the requirements for maintaining a current audit capability;

(5) To insure that proper dissemination of audit report findings is made to the members of the Legislature; and

(6) To assume or initiate whatever actions are necessary to insure that audit recommendations for improvement are effectively carried out by the responsible agencies of state government.".

2. Renumber original section 3 as section 5.

(Signed) Richard D. Marvel, Chairman

LEGISLATIVE BILL 281. Placed on General File.

LEGISLATIVE BILL 282. Placed on General File.

LEGISLATIVE BILL 431. Placed on General File.

(Signed) Robert L. Clark, Vice-Chairman

Revenue

LEGISLATIVE BILL 382. Indefinitely postponed.

(Signed) J. W. Burbach, Chairman

VISITORS

President Marsh introduced 20 High School students from Beatrice Sr. High School, Beatrice, and their Instructor, Mr. Allan Hergenrader.

President Marsh introduced 25 Senior students from Hartington High School, Hartington, and their Instructor, Mr. Walt Pesaresi.

ADJOURNMENT

At 11:56 a.m., on a motion by Speaker Proud, the Legislature adjourned until 9:00 a.m., Thursday, March 8, 1973.

Vincent D. Brown
Clerk of the Legislature

FORTY-FIFTH DAY—MARCH 8, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

FORTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 8, 1973

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Marsh presiding.

PRAYER

The prayer was offered by the Chaplain.

> We feel a sense of the history and heritage of this House each time we stand for prayer, O Lord, our God: so many others have stood here where we now stand. So much has transpired here before we came along. And we know that some of the things we now do will also become part of that continuing stream of history--destined, perhaps, to be remembered even when our names are long since forgotten. Inspire us day by day, O God, by an understanding of the history of which we are a part. Amen.

ROLL CALL

The roll was called and all members were present except Mr. DeCamp who was excused; Messrs. Fellman and Marvel who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-fourth Day was approved.

ATTORNEY GENERAL OPINIONS

March 2, 1973

Senator David H. Stahmer
Nebraska State Legislature
State Capitol
Lincoln, Nebraska

Dear Senator Stahmer:

You have inquired as to the holding of the court in School Dist. No. 54 v. School Dist. of Omaha, with specific reference to whether or not the court ruled in that case on the constitutionality of School District No. 66 of Douglas County and whether or not the holding in that case would support the proposition that L. B. 300 is or is not constitutional.

School Dist. No. 54 v. School Dist. of Omaha is reported at 171 Neb. 769, 107 N. W. 2d 744 (1961). The purpose of that action was for an accounting of money collected by the municpal court of the city of Omaha as a result of prosecutions brought therein for violation of the general laws of the State and whether the same should be distributed to all the school districts of Douglas County or should it be distributed only to the school districts in the city of Omaha. The court did not discuss the constitutionality or the organization of School District No. 66 of Douglas County in that case. Nor would the holding in that case, in our opinion, support the proposition that L. B. 300 is or is not constitutional.

Very truly yours,

CLARENCE A. H. MEYER
Attorney General

(Signed) Harold Mosher
Assistant Attorney General

HM:ejg
cc Mr. Vincent D. Brown
Clerk of the Legislature

March 5, 1973

Senator Roland A. Luedtke
Nebraska State Legislature
State Capitol
Lincoln, Nebraska

Dear Senator:

You have asked our opinion concerning the possible effect that L. B. 261 would have on the exercise of the pardoning power by the Governor, Attorney General and Secretary of State granted in Article IV, Section 13 of the Constitution of the State of Nebraska. L. B. 261 provides that, upon conviction, certain classes of narcotics offenders are to receive a mandatory life sentence, without possibility of parole. The issue is then whether a life sentence issued under such a law would prevent the Board of Pardons from commuting it to a term of years.

Because the Board of Pardons is granted the power to grant pardons and commutations by the Constitution, legislation cannot impair the exercise of that power, either directly or indirectly, and therefore if L. B. 261 were to be enacted into law, it would not restrict the pardoning power of the board over this class of offenders. In our opinion the language of the constitutional provision fixes absolutely the power to pardon in the Governor, Attorney General and Secretary of State. The pertinent language appears in Article IV, Section 13:

> ". . . . The Governor, Attorney General and Secretary of State, sitting as a board, shall have power to remit fines and forfeitures and to grant respites, reprieves, pardons, or commutations in all cases of conviction for offenses against the laws of the state, except treason and cases of impeachment. The Board of Parole may advise the Governor, Attorney General and Secretary of State on the merits of any application for remission, respite, reprieve, pardon or commutation but such advice shall not be binding on them. The Governor shall have power to suspend the execution of the sentence imposed for treason until the case can be reported to the Legislature at its next session, when the Legislature shall either grant a pardon or commute the sentence or direct the execution, or grant a further reprieve."

Except for the express restriction concerning treason and impeachment the grant of pardoning power to the board is absolute, and such unlimited language has been historically so construed. A leading case is Ex parte Garland, 4 Wall. (U. S.) 333, 18 L. Ed. 366. in that case the United States Supreme Court held that once the President of the United States had granted a full pardon in the Civil War that Congress could not abridge that power by legislation requiring attorneys who desired to practice before federal courts to swear that they had never borne arms against the United States:

> "The Constitution provides that the President 'shall have power to grant reprieves and pardons for offenses against the United States except in cases of impeachment.' Art. II. Section 2.
>
> "The power thus conferred is unlimited, with the exception stated. It extends to every offense known to the law, and may be exercised at any time after its commission, either before legal proceedings are taken, or during their pendency, or after conviction and judgment. This power of the President is not subject to legislative control. Congress can neither limit the effect of his pardon, nor exclude from its exercise any class of offenders. The benign prerogative of merch reposed in him cannot be fettered by any legislative restrictions."

In 1949 legislation was introduced into the Nebraska Legislature which attempted directly to impose upon the Board of Pardons the condition that no life termer might be considered for executive clemency before he had served at least 20 calendar years of his sentence. At that time Article IV, Section 13 of the Constitution contained a provision which was susceptible of the interpretation that the Legislature might prescribe limitations upon the pardoning power. The pertinent language was as follows:

> "Said board, or a majority thereof, shall have power to remit fines and forfeitures and to grant commutations, pardons and paroles after conviction and judgment, under such conditions as may be prescribed by law, for any offenses committed against the criminal laws of this state except treason and cases of impeachment." (Emphasis supplied)

In Opinions of Attorney General 1949-1950, page 100, the issue of whether the Legislature thereby was granted the power to limit the pardoning power was considered, and rejected.

> "We think it plain that the people did not vest in the Legislature the power to determine upon what conditions the power to pardon should come into existence. That the Legislature may, under such conditions as it may prescribe, regulate the exercise of the power we think equally plain, but there is a necessary limitation upon the power of the Legislature thus to prescribe rules. And we are of the opinion that the phrase 'under such conditions as may be prescirbed by law' refers simply to setting up the method of procedure under which the board would act. The conditions, however, cannot be such as, under pretense of regulation, divest the board of, or preclude its exercising, the constitutional power, itself. In the case of State v. Jenkins, 20 Wash. 78, 54 P. 765, the court in interpreting the phrase in the Washington Constitution 'under such regulations and restrictions as may be prescribed by law' said, 'The authority to regulate and restrict does not confer the power to abrogate the executive function of pardon.'
>
> "Those matters which the people have specifically confided to the board, the Legislature cannot, directly or indirectly, take from its control. . . ."

Modern case law on this subject demonstrates near unanimity of view.

It is our conclusion therefore that should L. B. 261 be enacted into law that the Board of Pardons may exercise in its discretion executive clemency toward the class of offenders which the act would touch.

Yours very truly,

CLARENCE A. H. MEYER
Attorney General

(Signed) Betsy G. Berger
Assistant Attorney General

BGB:cp
cc: Vince Brown

ANNOUNCEMENT

Mr. Duis announced that the Rules Committee meeting for today at 1:00 p.m., would be cancelled.

NOTICE OF COMMITTEE HEARINGS

Committee on Committees

March 8, 1973

Mr. President:

The hearing set for March 14, 1973, at 1:00 p.m. in the East Hearing Room to consider appointments submitted by Governor J. James Exon to the Motor Vehicle Industry Licensing Board as follows has been cancelled:

Kenneth Hilton
Herbert G. Andrews
Dick L. Flynn

The hearing on the appointment of Dr. Jack Anderson, Director, Department of Institutions will be continued at 12:30 p.m., Wednesday, March 14, 1973 in the East Chamber.

(Signed) Ramey C. Whitney, Chairman

Nebraska Retirement Systems

LB 423	Thursday, March 15, 1973	12:30 p.m.
LB 516	Thursday, March 15, 1973	12:30 p.m.

Room 2227

(Signed) Ramey C. Whitney, Chairman

UNANIMOUS CONSENT–Print in Journal

Mr. R. Lewis asked unanimous consent to have the following amendment to LB 416 printed in the Journal. No objections. So ordered.

1. In lieu of the standing committee amendment, on page 2, line 1, strike "child" and insert "person"; in line 6, strike "child" and insert "person"; in line 7,

strike "child" and insert "person"; strike lines 8 to 14 and insert "institution from which such person was released shall develop methods for the care, treatment, and training of such person while in the care of its parent or guardian. The county from which the institution would have been entitled to recover the cost of the care, treatment, and training of such person if he had not been released under the provisions of this section shall reimburse the parent or guardian of such person for such cost. The Director of Pulbic Institutions shall adopt reasonable rules and regulations for administering the provisions of this section.

Mr. R. Lewis asked unanimous consent to have the following amendments to LB 364 printed in the Journal. No objections. So ordered.

Paragraph 1. Strike the following word "territory".

Paragraph 3. Commencing with the word "on" strike the complete paragraph.

Section 1, Page 5, Line 12

Commencing with the word "when" strike the following language: "~~When the total votes cast in a public power district election is less than one half of the total votes case within a county having a population less than 60,000, the cost to the district shall be reduced by fifty percent. When the total vote within a county in a public power district election is less than one tenth of the total vote in such county, then there shall be no cost to the district. In counties having a population of sixty thousand or more, the total cost of a primary or general election held in such a county shall be prorated and billed to each public power district on a pro-rata basis determined by the ratio that the number of votes cast for public power district directors bears to the total votes cast within such county.~~

Section 1, Page 5, Line 12 Insert a new language as follows:

"when there are one or more public power districts nominating or electing board members in a single county, the county clerk or election commissioner shall take the total number of voters signing the list of voters books in all precincts in which public power district candidates are being voted upon and the candidate receiving the highest number of votes in each public power district nominated or elected and determine the charges to be made to each public power district for their proportionate shall of the election as follows:

1. Total number of voters signing the list of voters books in all the precincts voting on public power district candidates divided by two. If the candidate receiving the highest number of votes in the public power district involved shall have received a total number of votes in an amount less than one half of the total voters signing the list of voters books in said precincts within the county, the cost to the district shall be reduced by fifty percent.
2. Total number of voters signing the list of voters books in all the precincts voting on public power district candidates divided by ten. If the candidate receiving the highest number of votes in the public power district involved shall have received a

total number of votes in an amount less than one-tenth of the total voters signing the list of voters books in all precincts voting on public power district candidates within the county there shall be no cost to the district.

3. The cost of each primary and general election to a public power district in counties having a population of sixty-thousand inhabitants or more shall be as follows:

60,000 to 100,000 inhabitants	$1,500.00
100,000 to 200,000 inhabitants	3,000.00
200,000 or more inhabitants	4,500.00

The population figures pertaining to any county for billing purposes shall be based on the most recent decennial census."

After the word "prescribed" insert new language as follows: "by the Secretary of State"

Sec 2. Page 7, Line 23

After the word "be" insert new language as follows "not more than"

Sec. 3. Page 8, Line 17 Before the word "In" insert the following new language as follows:

"all appointments for filling vacancies shall be made until the next general election and the successful candidate shall take office on the first Tuesday in January following the election."

Sec. 3. Page 8, Line 20 Strike "an August 1" and insert "the"

Sec. 3. Page 8, Line 24 After "the" insert "primary or"

Sec. 3. Page 8, Line 26 After "the" insert "primary or"

Sec. 3, Page 8, Line 26 After the word "upcoming" insert "primary or"

Sec 3, Page 9, Line 2 After the word election strike the "comma" and insert a "period"

Strike the following language "~~at which general election a candidate shall be elected for a two year term~~"

Sec. 3, Page 9, Line 2 After the word "election" insert new language as follows: "candidates may file for the unexpired two year term and shall file their personal applications with the proper filing officer by the filing deadline as provided by law."

Sec 3 Page 9, Line 5 Strike the word "three" insert the word "four"

Sec. 3. Page 9, Line 5 Strike "an August 1" and insert "the"

Sec. 3. Page 9, Line 9 After the word "vacancy" add the following new language: "of any board member in his fourth year"

Sec. 3, Page 9, Line 11 After "the" insert "primary or"

UNANIMOUS CONSENT–Bracket LB 206

Mr. Kennedy asked unanimous consent to bracket LB 206 until March 14 on Final Reading. No objections. So ordered.

COMMUNICATION

March 2, 1973

Mr. Vincent D. Brown
Clerk of the Legislature

State of Nebraska
State House
Lincoln, Nebraska 68509

Dear Mr. Brown:

Thank you for sending me a copy of Legislative Resolution No. 11.

I am in complete disagreement with this resolution. With constant deficits facing us, it is either cut the cost of federal government, or increase taxes. Cuts are being made in over 100 federal grant programs and all across the board in all departments of government. I support cutbacks in federal expenditures, rather than increase taxes, but evidently the Nebraska Legislature, by this resolution, supports increased spending.

With best regards, I am

Sincerely yours,

(Signed) Dave Martin
Member of Congress

DM/jh

UNANIMOUS CONSENT–Change of Hearing Room

Mr. Waldron asked unanimous consent for the Miscellaneous Subjects Committee to use the West Chamber today. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 186.

A BILL FOR AN ACT to amend sections 46-208, 46-210, 46-214, 46-223, 46-229.03, 46-229.04, 46-230, 46-254, and 46-277, Reissue Revised Statutes of Nebraska, 1943, and sections 46-241 and 46-257, Revised Statutes Supplement, 1972, relating to general provisions regulating irrigation; to clarify and harmonize provisions; to delete obsolete matter; to make certain acts unlawful; to provide penalties; to provide powers and duties; to provide for the removal or repair of dams; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	Clark	Dickinson
Duis	Epke	Fowler	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kime
Kremer	F. Lewis	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Moylan	Murphy	Nore
Proud	Rasmussen	Richendifer	Savage	Schmit
Simpson	Skarda	Snyder	Stahmer	Stromer
Stull	Syas	Waldron	Warner	Whitney
Wiltse				

Voting in the negative, 0.

Not voting, 3:

DeCamp	Fellman	Marvel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 216.

A BILL FOR AN ACT to replace the Retirement Board for Nebraska Counties; to amend sections 23-2301, 23-2330, and 84-1503, Reissue Revised Statutes of Nebraska, 1943; to change procedures and duties; and to repeal the original sections, and also sections 23-2303 and 23-2304, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	Clark	Dickinson
Duis	Epke	Fowler	Goodrich	Hasebroock
Johnson	Kelly	Keyes	Kime	Kremer
F. Lewis	R. Lewis	Luedtke	Mahoney	Maresh
Marsh	Moylan	Murphy	Proud	Rasmussen
Richendifer	Savage	Schmit	Simpson	Skarda
Snyder	Stahmer	Stromer	Waldron	Warner
Whitney	Wiltse			

Voting in the negative, 0.

Not voting, 7:

DeCamp
Fellman
Kennedy
Marvel
Nore
Stull
Syas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 234.

A BILL FOR AN ACT to amend section 44-1901, Reissue Revised Statutes of Nebraska, 1943, and section 44-201, Revised Statutes Supplement, 1972, relating to insurance; to redefine title insurance; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 20:

F. Carstens
Chambers
Clark
Duis
Fowler
Goodrich
Johnson
Keyes
Kremer
Luedtke
Mahoney
Maresh
Marsh
Nore
Schmit
Simpson
Stromer
Waldron
Warner
Whitney

Voting in the negative, 19:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
Cavanaugh
Dickinson
Epke
Kelly
F. Lewis
R. Lewis
Moylan
Rasmussen
Richendifer
Skarda
Snyder
Stahmer
Stull
Syas

Not voting, 10:

DeCamp
Fellman
Hasebroock
Kennedy
Kime
Marvel
Murphy
Proud
Savage
Wiltse

Having failed to receive a constitutional majority voting in the affirmative, the bill failed of passage.

LEGISLATIVE BILL 239.

A BILL FOR AN ACT to amend section 23-378, Reissue Revised Statutes of Nebraska, 1943, section 48-126.01, Revised Statutes Supplement, 1972, and section 48-115, Revised Statutes Supplement, 1972, as amended by section 1, Legislative Bill 150, Eighty-third Legislature, First Session, 1973, relating to ambulance service; to provide joint ambulance service between counties and municipalities; to provide for the cost of county ambulance service; to provide workmen's compensation benefits to volunteer ambulance drivers and attendants; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Anderson	Burbach	Carpenter	C. Carsten	F. Carstens
Cavanaugh	Chambers	Dickinson	Duis	Epke
Fowler	Goodrich	Hasebroock	Johnson	Kelly
Keyes	Kime	Kremer	F. Lewis	Luedtke
Mahoney	Maresh	Marsh	Moylan	Murphy
Proud	Rasmussen	Richendifer	Savage	Schmit
Simpson	Skarda	Snyder	Stahmer	Stromer
Stull	Syas	Waldron	Warner	Whitney
Wiltse				

Voting in the negative, 3:

Clark	R. Lewis	Nore

Not voting, 5:

Barnett	DeCamp	Fellman	Kennedy	Marvel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 296.

A BILL FOR AN ACT relating to insurance; to provide for exchange of shares of domestic insurance companies as prescribed.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	Clark	Dickinson
Duis	Epke	Fellman	Fowler	Goodrich
Hasebroock	Johnson	Kelly	Kime	Kremer

F. Lewis R. Lewis Luedtke Maresh Marsh
Moylan Murphy Nore Proud Rasmussen
Savage Schmit Simpson Skarda Snyder
Stahmer Stromer Stull Syas Warner
Whitney Wiltse

Voting in the negative, 1:

Richendifer

Not voting, 6:

DeCamp Kennedy Keyes Mahoney Marvel
Waldron

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 373.

A BILL FOR AN ACT relating to cities and villages, all; to provide duties for a municipality when property is unsafe or unfit for human occupancy; and to require filing of copies of prescribed ordinances in the office of the register of deeds.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Anderson Barnett Burbach Carpenter C. Carsten
F. Carstens Cavanaugh Chambers Clark Dickinson
Epke Fellman Fowler Goodrich Hasebroock
Kelly Keyes Kime Kremer F. Lewis
R. Lewis Luedtke Mahoney Maresh Marsh
Moylan Murphy Nore Proud Rasmussen
Richendifer Savage Schmit Simpson Skarda
Snyder Stahmer Stromer Stull Syas
Warner Wiltse

Voting in the negative, 0.

Not voting, 7:

DeCamp Duis Johnson Kennedy Marvel
Waldron Whitney

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 173, 284, 301, 317 and 453.

Correctly Enrolled

The following bills were correctly enrolled: 65, 215, 263, 330, 335 and 391.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature is in session and capable of transacting business, the President signed the following: LB 65, LB 215, LB 263, LB 330, LB 335, LB 391 and LR 13.

PRESENTED TO THE GOVERNOR

Presented to the Governor for his approval on March 8, 1973 at 9:15 a.m. the following bills: 166, 189, 201, 201A, 213, 163, 276, and 337.

(Signed) Barbara Jackson, Enrolling Clerk

NOTICE OF COMMITTEE HEARING
Public Works

LB 522 Thursday, March 15, 1973 2:00 p.m.

(Signed) Maurice A. Kremer, Chairman

REPORT OF EMPLOYEES

During the month of February, 1973, there were 138 full- and part-time employees being paid from Fund 1973, Program 121, Legislative Session Services. The total payroll for the month was $56,159.57, of which $2,692.93 was overtime. The total figure includes the State's share of OASI and retirement contributions.

UNANIMOUS CONSENT—Member Excused

Mr. Skarda asked unanimous consent to be excused Friday and Monday, March 9 and March 12. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 112. E & R amendments found in the Journal on page 684 for the Forty-third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 167. E & R amendment found in the Journal on page 703 for the Forty-fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 12. E & R amendments found in the Journal on page 703 for the Forty-fourth Day were adopted.

Advanced to E & R for Re-engrossment.

Mr. Carpenter asked unanimous consent to expedite LB 12. No objections. So ordered.

LEGISLATIVE BILL 102. E & R amendment found in the Journal on page 704 for the Forty-fourth Day was adopted.

Advanced to E & R for Re-engrossment.

Mr. Savage asked unanimous consent to expedite LB 102. No objections. So ordered.

LEGISLATIVE BILL 273. E & R amendments found in the Journal on page 704 for the Forty-fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 232. E & R amendment found in the Journal on page 704 for the Forty-fourth Day was adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Withdraw Motion

Mr. Carpenter asked unanimous consent to withdraw his pending motion found in the Journal on page 663 for the Forty-first Day to reconsider action on Final Reading of LB 197. No objections. So ordered.

MOTION—Reconsider Action

Mr. Fellman moved to reconsider action on LB 234 on Final Reading. The motion prevailed with 37 ayes, 0 nays and 12 not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 234.

A BILL FOR AN ACT to amend section 44-1901, Reissue Revised Statutes of Nebraska, 1943, and section 44-201, Revised Statutes Supplement, 1972, relating to insurance; to redefine title insurance; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Barnett Burbach Carpenter C. Carsten F. Carstens
Chambers Clark Dickinson Duis Epke
Fellman Fowler Goodrich Hasebroock Johnson
Kennedy Keyes Kime Kremer Luedtke
Mahoney Maresh Marsh Murphy Nore
Proud Rasmussen Richendifer Savage Schmit
Simpson Stahmer Stromer Stull Syas
Waldron Warner Whitney Wiltse

Voting in the negative, 6:

Cavanaugh F. Lewis R. Lewis Moylan Skarda
Snyder

Not voting, 4:

Anderson DeCamp Kelly Marvel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION—Place LB 36 on General File

Mr. Clark moved to place LB 36 on General File notwithstanding the Committee action. The motion prevailed with 27 ayes, 0 nays and 22 not voting.

MOTION—Withdraw LB 350

Mr. Fellman renewed his pending motion found in the Journal on page 716 for the Forty-fourth Day to withdraw LB 350. The motion prevailed with 22 ayes, 0 nays and 27 not voting.

MOTION—Investigate Redistricting

Mr. F. Carstens renewed his pending motion found in the Journal on page 716 for the Forty-fourth Day regarding redistricting.

Mr. Carpenter moved to amend the Carstens motion by striking the entire motion and substituting the following: To provide a Committee of two persons, Sen. F. Carstens and Sen. Syas, consult with the Attorney General to determine the legal possibility of considering the reapportionment of the Legislature.

The Carpenter amendment was adopted with 23 ayes, 5 nays and 21 not voting.

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now cease?" The motion prevailed with 27 ayes, 2 nays and 20 not voting.

The F. Carstens motion, as amended, prevailed with 25 ayes, 15 nays and 9 not voting.

ANNOUNCEMENT

Mr. Warner announced an Executive Session of the Education Committee at noon on March 12, 1973 and 7:00 p.m. on March 15, 1973 in Room 2102.

MOTION—Rule Changes

Mr. Warner offered the following Rule Change: Amend Rule 5, Sec. 13 to read: "Unless otherwise disposed of, all bills on which no final action has been taken by the time of adjournment of the regular session in odd-numbered years shall be held over for consideration at the regular session convening in even-numbered years.

Referred to the Rules Committee.

Mr. Maresh offered the following Rule Change: Change Rule 5, Sec. 13 last sentence to read: "Bills, except Governor's bills, still held in Committee after the 40th day in regular session of even-numbered years shall be considered indefinitely postponed. Provided, that in regular session of odd-numbered years bills, except Governor's bills, held in Committee after the 60th day shall not be advanced to general file but may be held over in that position to an even-numbered year.

Referred to the Rules Committee.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Re-engrossed

The following bill was correctly re-engrossed: 12

(Signed) John J. Cavanaugh, Chairman

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 524. By Cavanaugh, 9th District, At the Request of the Governor.

A BILL FOR AN ACT to amend sections 83-189, 83-190, and 83-191, Reissue Revised Statutes of Nebraska, 1943, relating to the Board of Parole; to increase the size of the membership of the Board of Parole as prescribed; to provide which of the members shall be full-time members; to provide when appointments to the board shall be made; to provide the terms for the members; and to repeal the original sections.

UNANIMOUS CONSENT–Change of Hearing Rooms

Mr. Kremer asked unanimous consent for the Public Works Committee to use the West Chamber on Thursday, March 15, 1973. No objections. So ordered.

Mr. Waldron asked unanimous consent for the Miscellaneous Subjects Committee to use Room 2102 on Thursday, March 15, 1973. No objections. So ordered.

VISITORS

President Marsh introduced 39 Fourth through Eighth Grade students and their teachers, Mesdames. Feeken and Davidson, from Trumbull School, Trumbull.

President Marsh introduced 48 Fourth and Fifth Grade students and their teachers, Mildred Hake and Judy Grenier, from Leigh Community School, Leigh.

President Marsh introduced 37 Fourth through Eighth Grade students and their teachers, Mesdames. Carey and Norma May; Sponsors, Mrs. Don Rees and Miss Mary Rice; from School District 37, Norfolk; and also students of N. Eastern College, Messrs. Lewis and Thompson.

President Marsh introduced 11 American Field Service students: Miss Masa Takasugi, Niigata City, Japan; Miss Karen Jensen, Korsor, Denmark; Mr. Sven Rosen, Wermland, Sweden; Miss Caroline Lesieur, Narbonne, France; Miss Olivia Rogeria, Itapeva, Brazil; Miss Nazool Dilanchian, Abandan, Iran; Miss Viveca Fredricksson, Helsinki, Finland; Miss Elmira Satligan, Istanbul, Turkey; Miss Booska (Pom) Mrigadat, Bangkok, Thailand; Mr. Richard Ryan from England.

President Marsh introduced 15 Political Science students and their teacher, Mr. Robert Miller from Grand Island High School, Grand Island.

ADJOURNMENT

Mr. Chambers moved to adjourn until 9:00 a.m., Monday, March 12, 1973. The motion prevailed with 20 ayes, 19 nays and 10 not voting. The Legislature adjourned at 11:55 a.m., until 9:00 a.m., Monday, March 12, 1973.

Vincent D. Brown
Clerk of the Legislature

FORTY-SIXTH DAY—MARCH 12, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

FORTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 12, 1973

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mr. Whitney presiding.

PRAYER

The prayer was offered by the Chaplain.

> We bow our hearts to begin anew—never quite knowing what a day may bring forth, or even an hour; recognizing always our need to be receptive to the opportunities of each moment as it passes in review, and resilient in the face of inevitable frustrations.
>
> Strengthened physically by the rest of the past weekend, and with the spiritual benefits of the season of Lent providing inner strength, we bow our heads and begin anew.
>
> O Lord our God: teach us so to number our days that we may apply our hearts to wisdom. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Skarda who was excused, and Mr. Proud who was excused for a short time.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-fifth Day was approved.

MESSAGES FROM THE GOVERNOR

March 8, 1973

Mr. Vince Brown
Clerk of the Legislature
State House
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bill No. 102A.

This bill was signed by me on March 8, 1973 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

March 8, 1973

The Honorable Richard F. Proud
Speaker
and Members of the Legislature
Nebraska State Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Senators:

This is to inform your honorable body that I am changing my budget recommendations for the Department of Public Institutions on two areas and at the University Medical Center. The budget committee was informed of both of these changes this past Tuesday by Dr. Jack Anderson, the Director of the Public Institutions.

When the construction budget for institutions was prepared and my recommendations were made we had assumed that the normal enrollment pattern at the Youth Development Center at Kearney would continue. Since that time it has become obvious that the population is substantially declining and may continue to do so. In view of this trend I am deleting my recommendations for additional remodeling money until the enrollment stabilizes. There are present accomodations that have been remodeled for about 60 boys. It appears that this may be an adequate number for the future.

The second change in recommendations is at the Norfolk Regional Center. When Dr. Anderson became Director in December he began to review the decisions that had been made by the previous director. In doing so he discovered that the previous plan had called for razing of a majority of the patient care facilities at the Norfolk Regional Center. He brought this to my attention and recommended that only Buildings number 6 and 24 be razed and that the remaining facilities be continued. In addition, of course, once the new food service facility is completed there will be no need for the present kitchen and its associated storage and these can also be razed. I totally agree with his recommendation. The effect of these changes is to lower my construction recommendation by $229,600 at Kearney and by $66,600 at Norfolk.

At the Medical Center I am increasing my recommendation by $150,000 General Funds for the Children's Rehabilitation Institute. In my original budget I had recommended the $43,000 required by the University. As a result of Senator Savage's L.B. 102, I became aware of the great need for the multi-handicapped. As a result in addition to L.B. 102A, I am recommending the above amount. I feel that the University budget to take care of the needs of the multi-handicapped was not sufficient. In other areas their request was more than adequate.

Respectfully submitted,

(Signed) J. James Exon

cc: Members of the Budget Committee

ATTORNEY GENERAL OPINIONS

March 12, 1973

Senator Loran Schmit
Nebraska State Legislature
State House
Lincoln, Nebraska

Dear Senator:

My letter of January 8 to Col. Kruger, a copy of which went to you, accurately expresses my views on the use of legal advisors by the State Patrol, and I have found no reason to change that opinion since that time.

Very truly yours,

(Signed) Clarence A. H. Meyer
Attorney General

CAHM:dnj

cc: Vincent D. Brown
Clerk of the Legislature

January 8, 1973

Col. James E. Kruger
Nebraska State Patrol
Lincoln, NE 68509

Dear Colonel:

The introduction of L. B. 14 in the present Session brings up a matter which I discussed at length last summer with Lt. Rowe. As you know, I was rather cool toward the approach used in the last Session on this subject, but as Lt. Rowe will tell you, I am very strongly in favor of the State Patrol having their own lawyers as legal advisors and would be glad to testify before a legislative committee to that effect. Full time legal advisors have become a practical necessity for larger law enforcement agencies. In "The Challenge of Crime in a Free Society", the President's Commission on Law Enforcement and Administration of Justice more than five years ago recommended that, "Every medium- and large-sized department should employ a skilled lawyer full time as its legal advisor." In addition, the American Bar Association project on Standards for Criminal Justice within the last few months has recommended the following:

> "7.12 Need for in-house police legal advisor.
>
> "Given the nature of the police function, police administrators should be provided with in-house police legal advisors who have the personal orientation and expertise necessary to equip them to play a major role in the planning and in the development and continual assessment of operating policies and training programs.
>
> "7.13 Relationship of legal advisor to police administrator.
>
> "In view of the important and sensitive nature of his role, a police legal advisor or the head of a police legal unit should report directly to the police administrator. The relationship of a police legal advisor to a police department should be analogous to that of house counsel to a corporation. The police legal advisor should provide independent legal advice based upon his full understanding of the police function and his legal expertise, and should anticipate as well as react to legal problems and needs.
>
> "7.14 Priority tasks for legal advisor.
>
> "Among the range of tasks that may be performed by police legal advisors, priority should be given to assisting police administrators in:
>
> > (i) formulating the types of administrative policies that are recommended in these standards;
> >
> > (ii) developing law-related training programs pertinent to increased understanding of the nature of the police function, of departmental policies, of judicial trends and their rationale, and of the significant role of the police in preserving democratic processes;
> >
> > (iii) formulating legislative programs and participating in the legislative process;
> >
> > (iv) maintaining liaison with other criminal justice and municipal agencies on matters primarily relating to policy

> formulation and policy review, and assessing the effectiveness of various agencies in responding to common legal problems, and
>
> (v) developing liaison with members of the local bar and encouraging their participation in responding to legal problems and needs of the police agency."

In addition to the foregoing, you have some specialized needs for a legal advisor. Your new Criminalistics Laboratory will soon be ready and this will greatly expand your work in the field of criminal evidence, and your technicians will be faced with expanded needs for legal guidance in the areas of gathering, preserving and interpreting evidence and in making certain that is is properly prepared for introduction in evidence. Also, you should be aware that a completely revised Code of Laws on Evidence is being prepared and will be introduced either at this Session of the Legislature or in the 1974 Session.

Within the next year or two a new Criminal Code very probably will go into effect in this State, and this will require that specialized legal services be readily available to you. Also, sixteen committees of volunteer lawyers are reviewing all of our criminal procedures in Nebraska, and the first of their bills will come before this Legislature.

There are many other areas in which you can use a competent legal advisor. One of these days I am going to want to quit preparing that weekly memorandum which I have prepared for the Bulletin each week for the last 8 or 10 years, and I think your man should prepare himself to take over that job.

I think you are using the wrong approach to solving your problem in L. B. 14. For reasons which follow, I recommend that you strike all of subsection (10) in section 1 of the bill, and then add a new section which provides: "The Nebraska State Patrol shall employ one or more legal advisors whose primary responsibility shall be the proper preparation and presentation for prosecution of illegal drug cases."

The way L. B. 14 is set up, your legal advisor would be under my direction and control, and that is not right. You are going to have to live with him, not me. You should be the one to supervise him, to fire him, and to fix his salary. Not me. You need a man on a permanent basis, and if he is an Assistant Attorney General he would have no assurance of continuity of employment. You should not provide in the statute that he is to "assist county attorneys in the preparation and prosecution of cases." Most prosecutors are opposed to police legal advisors, and you are simply waving a red flag when you put something like that right in the statute. If your man turns out to be good enough, they will ask for his help without a statute. Furthermore, good trial lawyers are a scarce and expensive commodity. If your man is good enough so that he can tip off a part time prosecutor about some of the problems he may encounter, your purpose will be served. And I might add the observation that in a majority of these cases the defense lawyer does a worse job than the prosecutor.

My observation over the past few years is that the real problems in drug cases is in acquiring the evidence in a lawful manner. The court decisions since June of 1961 have made the officer's job in gathering evidence a real headache. In drug cases, officers need help in two areas, and they always need it in a hurry. First is the decision on whether or not a search warrant is necessary or should be used. The second problem arises when it is decided that a search warrant should be used, because this requires one or more affidavits and our experience here in the office shows that there are more deficiencies in the affidavit procedure than anywhere else. Right now we get phone calls in which proposed affidavits are read to us, and frequently we can be quite helpful. If your man becomes proficient in this field, I am sure he will develop a large following among the law enforcement officers in this State who are trying to do something about the drug problem.

I do want to assure you that I will be glad to help in any way to obtain legal advisors for the Patrol. I have always worked very closely with your Criminal Division and have the highest regard for their work, and I want them to progress even more.

Very truly yours,

(Signed) Clarence A. H. Meyer
Attorney General

CAHM:dnj
cc: Senator Loran Schmit
Lt. Wayne Rowe

March 9, 1973

Honorable Richard D. Marvel
Member of the Legislature
State Capitol
Lincoln, Nebraska

Dear Senator:

You have requested our advice on a number of questions pertaining to appropriation bills and the Governor's disapproval or reduction of an item or items therein. Your questions and our answers thereto are set forth in order.

1.(a) If the Legislature is in Session and sends to the Governor an appropriation bill having passed with three-fifths vote of the Legislature, can the Governor, having chosen to reduce or disapprove items of appropriation, not return the bill for reconsideration by the Legislature?

Section 7 of Article IV provides:

> "* * *. No appropriations shall be made in excess of the recommendation contained in such budget including any amendment the Governor may make thereto unless by three-fifths vote of the Legislature, and such excess so approved shall be subject to veto by the Governor."

Obviously, even though the Legislature approves an increase in the Governor's budget by a three-fifths or larger affirmative vote, the excess is still subject to veto by the Governor.

The veto provisions and requirements are contained in Section 15, Article IV, Constitution of Nebraska. This provides that the Governor may disapprove or reduce any item or items of appropriation contained in bills passed by the Legislature, and the item or items so disapproved shall be stricken therefrom, and the items reduced shall remain as reduced unless repassed in the manner herein prescribed in cases of disapproval of bills. This section further provides if the Governor approves a bill he shall sign it, and thereupon it shall become law, but if he does not approve or reduces any item or items of appropriations, he shall return it with his objections to the Legislature, which shall enter the objections at large upon its journal, and proceed to reconsider the bill. Any bill which is not returned by the Governor within five days (Sunday excepted) after it has been presented to him, unless the Legislature by their adjournment prevents its return, shall become a law in like manner as if he had signed it. If the Legislature by adjournment prevents its return, then the bill must be filed with the Governor's objections in the office of the Secretary of State within five days after the adjournment or it becomes a law. Assuming that the Legislature has not adjourned, then the bill must be returned to the Legislature for their reconsideration.

1.(b) You then ask "If the Legislature passes an appropriation bill, sends it to the Governor, and then adjourns prior to the five-day limit for the Governor's consideration, what is the disposition of that appropriation bill if the Governor chooses to reduce or not approve items of appropriation?

As stated in the answer to Question No. 1(a) and if the Legislature has passed the bill by a three-fifths vote, then the Governor must file the bill with his objections in the office of the Secretary of State within five days after such adjournment or it becomes a law as passed by the Legislature. If he files the bill with objections in the office of the Secretary of State in time, then the bill becomes law with the disapproved items eliminated and the reduced items in the amounts as reduced.

2. You refer to Article IV, Section 15, Constitution of Nebraska, and ask "considering the general characteristics of past appropriation bills, define and give examples, if possible, of what 'item or items of appropriation' could mean."

In Commonwealth v. Dodson, 11 S. E. 2d 120, 176 Va. 281, the Virginia Supreme Court stated that an "item" in an appropriation bill is an indivisible sum of money dedicated to a stated purpose. In State ex rel.

Meyer v. State Board of Equalization and Assessment, 185 Neb. 490, 176 N. W. 2d 920, the court referred to and noted certain appropriation items. It also referred to five appropriation items, one of which was, for example, land acquisition (Medical Center, University of Nebraska) in the amount of one million dollars. This is certainly a clear example of an item of appropriation. It has been held that the power to veto "item" does not carry with it the power to strike out conditions or restrictions. Commonwealth v. Dodson, 11 S. E. 2d 120, 176 Va. 281. Under a Massachusetts constitutional provision which authorized the Governor to disapprove or reduce items or parts of items in any bill appropriating money the fact that the section relates solely to appropriation bills in conjunction with the word reduce shows that the expression "items or parts of items" refers to separable fiscal units and under such section, power is conferred on the Governor to reduce the sum of money appropriated or to disapprove the appropriation entirely, but no power is conferred on him to change the terms of an appropriation except by reducing its amount. In re Opinion of the Justices, 2 N. E. 2d 789, 294 Mass. 616.

3. You call our attention to Article IV, Section 15 of the Constitution which states: "The Governor may disapprove or reduce any item or items of appropriation contained in bills passed by the Legislature, and the item or items so disapproved shall be stricken therefrom, and the items reduced shall remain as reduced unless repassed in the manner herein prescribed in cases of disapproval of bills." You then ask if "the underlined portion can mean that if the Governor strikes an item, it cannot be restored by three-fifths of the members voting to pass the bill, notwithstanding the Governor's objections?

While this language does appear to be somewhat ambiguous, we are of the opinion that either the disapproval or reduction of any item or items of appropriation is subject to reconsideration by the Legislature which may, by the necessary affirmative vote, override the Governor's veto. We have reviewed the report of the Constitutional Revision Commission and the proceedings leading to the adoption of this amendment in the Legislature and the statement to the voters in reaching this conclusion.

4. You ask "If the Governor objects to an item in the appropriation bill and thus returns the bill to the Legislature for reconsideration, does the Legislature vote on the entire bill for purposes of passage notwithstanding the objections of the Governor or is it necessary to vote on each objected item?" Section 15, Article IV, provides in part:

> "* * *. If he approves he shall sign it, and thereupon it shall become a law, but if he does not approve or reduces any item or items of appropriations, he shall return it with his objections to the Legislature, which shall enter the objections at large upon its journal, and proceed to reconsider the bill. * * *."

We note also that this section states that the items disapproved are to be stricken from the bill and the items reduced shall remain as reduced "unless repassed in the manner herein prescribed in cases of disapproval of bills."

Insofar as applicable, the constitutional provision involved provides that "every bill" passed by the Legislature must be presented to the Governor and if he approves it he signs it. If he does not approve or reduces any item or items of appropriation, "he shall return it" with his objections to the Legislature which then proceeds "to reconsider the bill." "If then three-fifths of the members elected agree to pass the same it shall become a law, notwithstanding the objections of the Governor." We note that the final section reads: "The Governor may disapprove or reduce any item or items of appropriation contained in bills passed by the Legislature, and the item or items so disapproved shall be stricken therefrom, and the items reduced shall remain as reduced unless repassed in the manner herein prescribed in cases of disapproval of bills." You will note that the bill must be presented to the Governor; and the Legislature, if any objections are received, proceeds to reconsider the bill. If the necessary majority approves, then it (the bill) shall become a law. Finally, the Governor has the authority to disapprove or reduce any item or items of appropriation contained "in bills" passed by the Legislature, and the item or items so disapproved shall be stricken therefrom and the items reduced shall remain as reduced "unless repassed in the manner herein prescribed in cases of disapproval of bills."

As pointed out by the court in State ex rel. Meyer v. State Board of Equalization and Assessment, 185 Neb. 490, 495, 176 N. W. 2d 920, an appropriation is a law and may be adopted only through a bill. A bill is not passed until it receives the necessary affirmative vote on final passage. An appropriation bill is no different in this respect than in any other bill. The court has specifically held that to be effective as to an item increasing the amount proposed for any department in the Governor's budget, the bill must receive a two-thirds vote on final passage. We think the language of the court in that case is equally applicable to the override of the Governor's veto under the conditions you have outlined in your question. The Legislature proceeds to reconsider the bill containing the disapproved and reduced items; and if three-fifths of the members elected agree to pass the bill, it becomes a law notwithstanding the objections of the Governor.

5. Your final question refers to the language in Section 7 of Article IV which reads:

> "* * *. No appropriations shall be made in excess of the recommendation contained in such budget including any amendment the Governor may make thereto unless by three-fifths vote of the Legislature, and such excess so approved shall be subject to veto by the Governor."

You ask if this language means that the Governor cannot amend his budget bill without a three-fifths vote of the Legislature and whether or not each amendment as submitted by the Governor be voted on separately and at what point must the amendment receive a three-fifths vote?

We might point out that once the Governor has submitted his budget bill and it is introduced in the Legislature he alone cannot amend the bill. Any amendment to the bill must be made by the Legislature in accordance with their rules. Certainly, the Governor, by message, can submit suggested amendments to the budget bill, and review of the Minutes of the Constitutional Revision Commission and the floor debate on this subject reveals that this provision was intended to restrict appropriations to those recommended in the budget including any amendments the Governor himself might make thereto with a three-fifths vote of the Legislature required to exceed the amount suggested by the Governor. Thus, if amendments were made to the budget bill, at the request of the Governor by a formal message to the Legislature, then such amendments would not need a three-fifths vote of the Legislature but such a three-fifths vote would be needed to increase any amounts contained in his budget or the changes he recommended. The intent of the Constitutional Revision Commission as evidenced in its report dated September 24, 1970; the testimony before the legislative committee considering this amendment; and the report of that committee together with the floor debate and the explanatory statements to be included on the ballot as same appear on page 12 of "A Summary of Constitutional Amendments Proposed by the Nebraska Legislature," "Prepared by the Nebraska Legislative Council, March, 1972," supports this conclusion.

Yours very truly,

(Signed) Gerald S. Witamvas
Deputy Attorney General

GSV:cp

cc: Vince D. Brown
Clerk of the Legislature

COMMUNICATIONS

Acknowledged receipt of HR 17 from the State of Connecticut regarding Liberty Amendment. Copies on file in the Clerk's Office.

March 6, 1973

Mr. Vincent D. Brown
Clerk of the Legislature

Legislative Council
State Capitol
Lincoln, Nebraska 68509

Dear Mr. Brown:

First let me thank you for making available to me a copy of Legislative Resolution No. 11, adopted by the Nebraska Unicameral on February 22nd.

Both the House and the Senate have now passed legislation requiring the expenditure of all REAP funds appropriated by the Congress. The Senate has passed legislation requiring the retention of the 2 per cent REA loans. I do want to thank you for making the views of the Unicameral available to me.

With kindest personal regards, I am

Sincerely yours,

(Signed) CARL T. CURTIS, USS

CTC/rma

SPEAKER PROUD PRESIDING

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 194. Placed on Select File as amended.
E & R amendment to LB 194:

1. In the title, lines 3 and 4 strike "incorporated city or village" and insert "political subdivision"; and in lines 5 and 6 strike "city or village" and insert "subdivision".

LEGISLATIVE BILL 146. Placed on Select File as amended.
E & R amendment to LB 146:

1. On page 2, line 13, insert an underscored comma after "receive"; and in line 23 strike "fees" and insert "~~fees~~ fee".

Correctly Re-engrossed

The following bill was correctly re-engrossed: 102.

Correctly Engrossed

The following bills were correctly engrossed: 112, 112A, 167, 232 and 273.

Correctly Enrolled

The following bills were correctly enrolled: 186, 216, 234, 239, 296 and 373.

(Signed) John J. Cavanaugh, Chairman

SPEAKER SIGNS

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 186, 216, 234, 239, 296 and 373.

NOTICE OF COMMITTEE HEARING

Committee on Committees

The Committee on Committees will meet today, 12:30 p.m. in the East Hearing Room Room 2227, for the consideration of the appointments of: Dr. Wm. C. Peters – Director, Personnel; John Sullivan – Director, Motor Vehicles; Don O. Bridge – Game and Parks Commission.

(Signed) Ramey C. Whitney, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on March 12, 1973 at 8:20 a.m. the following: LB 65, LB 215, LB 263, LB 330, LB 335 and LB 391.

(Signed) Barbara Jackson, Enrolling Clerk

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 302, passed in the 1965 session of the Legislature, the attached is a list of all lobbyists who have registered as of March 9, 1973. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Vincent D. Brown
Clerk of the Legislature

Crosby, Pansing & Guenzel:
    Crosby, Robert B., Lincoln – Chadron Chamber of Commerce
    Seglin, Steven G., Lincoln – Better Nebraska Association
Holdt, Leland L. S., Lincoln – Security Mutual Life Insurance Company
Huff, Charles P., Lincoln – Nebraska State Association of Life Underwriters
Rall, Frank, Lincoln – Nebraska Welfare Association
Sheldon, James P., Lincoln – Security Mutural Life Insurance Company
Sward, Alfred W., Lincoln – Security Mutural Life Insurance Company

Tews & Noren, Lincoln
David D. Tews & Charles F. Noren – Air Transport Association
David D. Tews, Lincoln -- Bankers Dispatch Corporation

REFERENCE COMMITTEE REPORT

LB	Committee
523	General File

(Signed) Terry Carpenter, Chairman
Executive Board

STANDING COMMITTEE REPORTS
Committee on Committees

March 12, 1973

The Committee on Committees desires to report favorably upon the appointments listed below which were submitted by Governor J. James Exon. The Committee suggests that the appointments be confirmed by the Legisltive Body and suggests a record vote:

Claude L. Jelen – Power Review Board

Committee Vote: For: (8) Senators Barnett, Epke, Johnson, Snyder, Stromer, Stull, Whitney and Wiltse

Against: None

Absent and not voting: (5) Senators Chambers, Duis, Luedtke, Nore, Stahmer

Jack Lederman – Power Review Board

Committee Vote: For: (8) Senators Barnett, Epke, Johnson, Snyder, Stromer, Stull, Whitney and Wiltse

Against: None

Absent and not voting: (5) Senators Chambers, Duis, Luedtke, Nore and Stahmer

John Shoemaker – Power Review Board

Committee Vote: For: (8) Senators Barnett, Epke, Johnson, Snyder, Stromer, Stull, Whitney and Wiltse

Against: None

Absent and not voting: (5) Senators Chambers, Duis, Luedtke, Nore and Stahmer

Respectfully submitted,

(Signed) Ramey C. Whitney, Chairman

Education

LEGISLATIVE BILL 300. Indefinitely postponed.

(Signed) Jerome Warner, Chairman

Agriculture and Environment

LEGISLATIVE BILL 410. Indefinitely postponed.

LEGISLATIVE BILL 464. Indefinitely postponed.

LEGISLATIVE BILL 182. Placed on General File as amended.
Standing Committee amendment to LB 182:
1. Add the emergency clause.

(Signed) Loran Schmit, Chairman

Public Works

LEGISLATIVE BILL 64. Indefinitely postponed.

LEGISLATIVE BILL 170. Indefinitely postponed.

LEGISLATIVE BILL 437. Indefinitely postponed.

LEGISLATIVE BILL 319. Placed on General File as amended.
Standing Committee amendment to LB 319:
1. On page 2, line 12, after the period insert, "Twenty-five percent of the fee on single abstracts and forty-five percent of the fee on lots of ten or more abstracts shall be deposited in the Drivers' License Abstracts Computerization Fund, which is hereby created. Such fund shall be used to develop and operate a system of utilizing a computer to store and print out such abstracts."

LEGISLATIVE BILL 324. Placed on General File as amended.
Standing Committee amendment to LB 324:
1. On page 2, line 16, reinstate the stricken matter and strike the new matter; in line 20 after the period insert, "The Department of Roads, when it believes

that the application of such standards to any segment of highway that is not hard-surfaced would work a special hardship, may request the board to relax such standards.", and after line 21 insert, "The provisions of this section shall not be construed to apply to removal of a road or highway from the state highway system pursuant to section 39-1315.01."

LEGISLATIVE BILL 346. Placed on General File.

LEGISLATIVE BILL 443. Placed on General File as amended.
Standing Committee amendment to LB 443:

1. On page 3, lines 5 and 6, strike "Upon the effective date of this act" and insert "On January 1, 1974".

LEGISLATIVE BILL 463. Placed on General File.

(Signed) Maurice A. Kremer, Chairman

Constitutional Revision and Recreation

LEGISLATIVE BILL 328. Indefinitely postponed.

(Signed) George Syas, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 13.

A BILL FOR AN ACT to amend section 60-434, Revised Statutes Supplement, 1972, relating to the Nebraska State Patrol; to change the number of special investigators; to provide for other personnel; to make an appropriation to the Drug Control Cast Fund; and to repeal the original section.

Whereupon the Speaker stated: "All provisions of law realtive to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Barnett Burbach C. Carsten F. Carstens Cavanaugh
Chambers Duis Epke Fowler Goodrich
Hasebroock Johnson Kelly Kime Kremer
F. Lewis R. Lewis Luedtke Mahoney Marsh

Marvel Murphy Nore Proud Rasmussen
Savage Schmit Simpson Stahmer Stull
Syas Waldron Warner Wiltse

Voting in the negative, 6:

Clark Kennedy Keyes Richendifer Snyder
Whitney

Not voting, 9:

Anderson Carpenter DeCamp Dickinson Fellman
Maresh Moylan Skarda Stromer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 13A.

A BILL FOR AN ACT to appropriate two hundred sixteen thousand eight hundred fifty dollars from the state General Fund for the period of July 1, 1973 to June 30, 1974 to the Nebraska State Patrol, Agency No. 64 for Program 190, Criminal Investigation, to aid in carrying out the provisions of Legislative Bill 13, Eighty-third Legislature, First Session, 1973.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 32:

Barnett Burbach Carpenter C. Carsten F. Carstens
Cavanaugh Chambers Epke Fellman Fowler
Hasebroock Johnson Kelly Kime Kremer
F. Lewis R. Lewis Luedtke Marsh Marvel
Murphy Nore Proud Rasmussen Schmit
Simpson Stahmer Stromer Stull Syas
Waldron Warner

Voting in the negative, 11:

Clark DeCamp Goodrich Kennedy Keyes
Mahoney Maresh Moylan Richendifer Snyder
Whitney

Not voting, 6:

Anderson Dickinson Duis Savage Skarda
Wiltse

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 34.

A BILL FOR AN ACT to amend sections 62-301 and 84-104.01, Reissue Revised Statutes of Nebraska, 1943, and section 25-2221, Revised Statutes Supplement, 1972, relating to holidays; to designate May 30 as Memorial Day and November 11 as Veterans Day as prescribed, and to repeal the original sections.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
Clark
DeCamp
Dickinson
Duis
Epke
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kennedy
Keyes
Kime
Kremer
Lewis
R. Lewis
Mahoney
Maresh
Marvel
Moylan
Murphy
Nore
Rasmussen
Richendifer
Schmit
Simpson
Stahmer
Stromer
Stull
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 7:

Kelley
Luedtke
Marsh
Proud
Savage
Snyder
Syas

Not voting, 1:

Skarda

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 224.

A BILL FOR AN ACT to amend sections 2-104, 15-316, 16-317, 17-605, 23-1301, 23-1517.01, 23-1527, 60-505, 77-2712, 77-27,105, 84-308, 84-505, and 84-1213, Reissue Revised Statutes of Nebraska, 1943, and sections 2-105 and 52-1003, Revised Statutes Supplement, 1972, and section 9-403, Uniform Commercial Code, relating to records management; to change the manner the annual report of the State Board of Agriculture is distributed; to provide that essential state and local records be preserved; to provide that documents may be filed by the roll form of microfilm; to clarify filing procedures; to provide that the State Records Board shall specify how long records shall be retained; to provide for retention of records in photographic form; to provide penalities; and to repeal the original sections, and also section 77-1773, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
Clark
DeCamp
Dickinson
Duis
Epke
Fellman
Fowler
Goodrich
Hasebroock
Kelly
Kennedy
Keyes
Kime
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Moylan
Murphy
Nore
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 3:

Johnson
Marvel
Skarda

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 339. With emergency.

A BILL FOR AN ACT relating to political subdivisions; to permit the governing board of any political subdivision to provide its members and employees of the subdivision with personal liability insurance as prescribed; to permit the payment of the premiums, costs, and expenses of such insurance from the general fund of such political subdivision; and to declare an emergency.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
Clark
DeCamp
Dickinson
Epke
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Kremer
F. Lewis
Luedtke
Mahoney
Maresh
Marsh
Moylan
Nore
Rasmussen
Richendifer
Savage
Schmit
Simpson
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 1:

Proud

Not voting, 5:

Duis
R. Lewis
Marvel
Murphy
Skarda

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 351.

A BILL FOR AN ACT to amend section 8-355, Revised Statutes Supplement, 1972, relating to banking; to provide state chartered building and loan associations the same privileges as federally chartered associations; and to repeal the original section.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
Clark
DeCamp
Dickinson
Duis
Epke
Fellman
Fowler
Goodrich
Hasebroock
Kelly
Kennedy
Keyes
Kime
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Nore
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Wiltse

Voting in the negative, 0.

Not voting, 3:

Johnson Skarda Whitney

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 390.

A BILL FOR AN ACT to amend sections 44-379.01 and 44-516, Revised Statutes Supplement, 1972, relating to automobile liability insurance; to provide for notice of cancellation; to provide exceptions; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Anderson Barnett Burbach Carpenter C. Carsten
F. Carstens Cavanaugh Chambers Clark DeCamp
Dickinson Duis Epke Fellman Fowler
Goodrich Hasebroock Johnson Kelly Kennedy
Keyes Kime Kremer F. Lewis R. Lewis
Luedtke Mahoney Maresh Marsh Marvel
Moylan Murphy Nore Proud Rasmussen
Richendifer Savage Schmit Simpson Snyder
Stahmer Stromer Stull Syas Waldron
Warner Wiltse

Voting in the negative, 0.

Not voting, 2:

Skarda Whitney

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION—Introduce Bill

Mr. Kennedy moved the introduction of a new bill by the Committee on Public Health and Welfare (Request No. 802). The motion prevailed with 31 ayes, 0 nays and 18 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 525. By Public Health and Welfare Commiteee: Kennedy, 21st District, Chairman; Goodrich, 20th District; Cavanaugh, 9th District; R. Lewis, 38th District; Maresh, 32nd District; Schmit, 23rd District.

A BILL FOR AN ACT to amend section 79-2103, Reissue Revised Statutes of Nebraska, 1943, relating to educational television; to provide programming for the aged as prescribed; and to repeal the original section.

UNANIMOUS CONSENT–Change of Hearing Room

Mr. Kennedy asked unanimous consent for the Public Health and Welfare Committee to use the West Chamber this afternoon for a public hearing. No objections. So ordered.

MOTION–Withdraw LB 456

Mr. Fellman moved to withdraw LB 456. Laid over.

EXPLANATION OF VOTE

Had I been present on March 5 and 6, 1973, I would have voted "aye" for the following: LB 166, LB 189, LB 213, LB 163, LB 276, LB 337, and LR 17.

Had I been present on March 5 and 6, 1973, I would have voted "nay" for the following: LB 197, LB 201, and LB 201A.

(Signed) Duke Snyder, Chairman

MR. LUEDTKE PRESIDING

MOTION–Rule Change

Mr. Warner moved to amend Rule 6, Sec. (6) by adding a new subsection "(d)" "the bill has been reviewed and certified by the Legislature's Bill Drafting Service to be in proper form and that the bill contains no sections with technical errors which would cause the bill to be inoperable. The Clerk shall prepare proper forms for such certification."

Referred to the Rule Committee.

MOTION—Place LB 207 on General File

Mrs. Marsh moved to place LB 207 on General File notwithstanding the committee action. The motion prevailed with 31 ayes, 0 nays and 18 not voting.

MR. LUEDTKE PRESIDING

MOTION—Suspend Rules on LR 9

Mr. DeCamp moved to suspend the rules on the twenty day limit on raising LR 9 from Committee. The motion prevailed with 32 ayes, 12 nays and 5 not voting.

MOTION—Place LR 9 on General File

Mr. DeCamp moved to Place LR 9 on General File notwithstanding the committee action.

Mr. Proud requested a record vote.

Voting in the affirmative, 34:

Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Clark
DeCamp
Dickinson
Duis
Epke
Goodrich
Hasebroock
Johnson
Kennedy
Keyes
Kime
Kremer
F. Lewis
R. Lewis
Mahoney
Maresh
Marvel
Murphy
Nore
Proud
Rasmussen
Richendifer
Schmit
Simpson
Snyder
Stromer
Stull
Whitney
Wiltse

Voting in the negative, 13:

Anderson
Barnett
Chambers
Fellman
Fowler
Kelly
Luedtke
Marsh
Moylan
Savage
Stahmer
Waldron
Warner

Not voting, 2:

Skarda
Syas

The motion prevailed with 34 ayes, 13 nays and 2 not voting.

MOTION—Change of Order

Mr. Barnett moved to place LR 9 at the top of General File.

Mr. Proud moved to amend the Barnett motion to set LR 9 on General File for Monday, March 19.

Mr. Nore moved the previous question. The question is, "Shall the debate now cease?" The motion prevailed with 41 ayes, 0 nays and 8 not voting.

The Proud amendment prevailed with 24 ayes, 23 nays and 2 not voting.

Mr. Barnett asked unanimous consent to withdraw his motion. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS

Nebraska Retirement Systems

LB 388	Monday, March 19, 1973	7:30 p.m.
LB 445	Monday, March 19, 1973	7:30 p.m.

Room 2102

LB 297	Friday, March 23, 1973	12:30 p.m.

Room 2227

(Signed) Ramey C. Whitney, Chairman

STANDING COMMITTEE REPORTS

Appropriations

LEGISLATIVE BILL 452. Placed on General File as amended.
(Amendments printed and on file in the Clerk's Office)

(Signed) Richard D. Marvel, Chairman

UNANIMOUS CONSENT—Bracket LB 452

Mr. Marvel asked unanimous consent to bracket LB 452 on General File for Wednesday, March 14. No objections. So ordered.

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 154. Indefinitely postponed.

LEGISLATIVE BILL 318. Indefinitely postponed.

LEGISLATIVE BILL 94. Placed on General File as amended.
Standing Committee amendment to LB 94:

1. On page 2 strike lines 6 to 23 and insert:

"(1) For the football field: (a) Two hundred thousand dollars for the cost of installing an artificial surface, and (b) forty-nine thousand dollars for lighting.".

LEGISLATIVE BILL 114. Placed on General File as amended.
Standing Committee amendments to LB 114:

1. On page 3, insert seven new sections as follows:

"Sec. 2. That section 77-202.13, Revised Statutes Supplement, 1972, be amended to read as follows:

77-202.13. All homesteads in this state shall be assessed for taxation the same as other property, except that there shall be exempt from taxation (1) the first twenty-five per cent of the actual value of any homestead having an actual value of fifteen hundred dollars or less, (2) the first twenty per cent of the first four thousand dollars of the actual value of any homestead having an actual value in excess of fifteen hundred dollars, (3) the first ninety per cent of the actual value of any homestead of any veteran, as defined in section 80-401.01, drawing compensation from the Veterans' Administration of the United States because of one hundred per cent disability and not eligible for total exemption under the provisions of sections 77-202.08 to 77-202.10, or the unremarried widow of any such veteran, or the unremarried widow of a serviceman who died while on active duty during the dates described in section 80-401.01, and (4) in 1973, the first twenty-five per cent of the first fifteen thousand dollars of the actual value of any homestead, and in 1974 and each year thereafter, the first fifty per cent of the first fifteen thousand dollars of the actual value of any ~~tax on the~~ homestead of persons qualifying under subdivision (4) of section 77-202.12. ~~, but not to exceed a maximum exemption of one hundred twenty-five dollars in 1973 and two hundred fifty dollars in 1974 and each year thereafter.~~ This exemption shall also apply to veterans who are totally disabled by a nonmilitary accident or illness. Application for the exemption shall include the sworn ~~statements of three doctors~~ statement of a qualified medical physician or certification from a Veterans Administration Hospital affirming that the homeowner is totally disabled. The percentages in subdivisions (1) and (2) of this section shall be increased to fifty and forty-five, respectively, in the case of any veteran as defined in section 80-401.01, for the year in which he reaches seventy years of age and for each subsequent year, or the unremarried widow or widower of any such veteran or the husband or wife of any such veteran when the veteran is not the owner of record

Sec. 3. That section 77-202.15, Revised Statutes Supplement, 1972, be amended to read as follows:

77-202.15. (1) The application for homestead exemption shall be signed and sworn to by the owner of record of the property unless the owner is an incompetent, in which case it shall be signed and sworn to by the guardian. The county assessor, his duly appointed deputies, and notaries public are authorized to administer such oaths.

(2) (a) It shall be the duty of each owner who applies for the homestead exemption provided in subdivisions (1) to ~~(3)~~ (4) of section 77-202.13, to file an application therefor with the county assessor of the county in which the real estate is located on or before June April 1, and failure to do so shall constitute a waiver of the exemption for that year.

If an owner is granted a homestead exemption as provided in subdivisions (1) to (3) of section 77-202.13, the homestead exemption as to such property shall remain in full force and effect for each succeeding year without reapplication; Provided, the owner is in all respects entitled to the exemption granted under the provisions of sections 77-202.12 to 77-202.22. It shall be the duty of each owner who wants the homestead exemption provided in subdivision (4) of section 77-202.13 to file an application therefor with the county assessor on or before April 1 of each year, and failure to do so shall constitute a waiver of the exemption for such year.

(b) The owner of a homestead which has been granted an exemption under subdivisions (1) to (3) of section 77-202.13 shall notify the county assessor by March 15 of each year of any change in the homestead exemption status occurring in the preceding year. If, by his failure to give such notice, any such property owner permits the allowance of the homestead exemption for any succeeding year after the homestead exemption status of such property has changed, an amount equal to the amount of the taxes lawfully due but not paid by reason of such unlawful and improper allowance of homestead exemption, together with penalty and interest on such total sum as provided by statute on delinquent ad valorem taxes, shall be due and shall, upon entry of the amount thereof on the books of the county treasurer, be a lien on such property while unpaid. Such lien may be enforced in the manner provided for liens for other delinquent taxes. Any person who has permitted the improper and unlawful allowance of such homestead exemption on his property shall, as an additional penalty, also forfeit his right to a homestead exemption on any other property in this state for the two succeeding years.

(3) It shall be the duty of each owner who applies for the homestead exemption provided in subdivision (4) of section 77-202.13 to file the application therefor with the Tax Commissioner on or before June 1 of each year, and failure to do so shall constitute a waiver of the exemption for such year.

(4) Any purchaser or new owner of property must claim a homestead exemption as provided in this section before the allowance thereof to him on such property shall be lawful.

Sec. 4. That section 77-202.16, Revised Statutes Supplement, 1972, be amended to read as follows:

77-202.16. (1) The county assessor shall examine each application for homestead exemption filed with him for an exemption pursuant to subdivisions (1) to (3) of section 77-202.13 and shall determine whether or not such application should be approved or rejected and if approved, determine the amount of the exemption. If the application is approved, he shall mark the same approved and show thereon the amount of exemption allowed and make the proper deduction upon his assessment rolls. In case he finds that the exemption should not be allowed by reason of not being in conformity to law, he shall mark the application rejected and state thereon the reason for such rejection. In any case where the county assessor disallows or reduces an application for exemption, he shall notify the applicant of his action by mailing written notice to him at the address shown in the application, which notice shall be mailed not later than the fourth Monday in April and shall be on forms prescribed by the Tax Commissioner. All applications for exemption, showing thereon the action of the county assessor, shall be delivered to the county board of equalization on or before the fourth Monday of April of each year.

(2) The county assessor shall examine all applications for an exemption pursuant to subdivision (4) of section 77-202.13 to determine, except for the income test, if the application should be approved or rejected. On or before the third Monday in April the county assessor shall forward the application to the Tax Commissioner who shall determine from the records of the Department of Revenue whether or not the applicant meets the required income standards. The Tax Commissioner shall, on or before August 1, certify his determinations to the county assessor. If the county assessor's and Tax Commissioner's determination is that the application should be accepted, then the county assessor shall process the application in the same manner as an approved application under subsection (1) of this section. If the Tax Commissioner's determination is that the application does not meet the required income test or if the county assessor finds that the exemption should not be allowed or should be reduced, the county assessor shall proceed as in the case of a rejected or reduced application under subsection (1) of this section.

~~(2) The Tax Commissioner shall examine each application for homestead exemption filed with him and shall determine whether or not such claim for exemption should be approved or rejected. If the claim for exemption is approved, he shall mark the same approved and show thereon the amount of exemption allowed. The Tax Commissioner shall on or before September 1 of each~~

~~year file a certified statement with the county assessor of each county listing those qualified claimants and homesteads entitled to the exemption for that year. No homestead or qualified claimant shall be allowed more than one exemption under the provisions of sections 77-202.12 to 77-202.22 per year. The county assessor shall make the proper deduction on his assessment rolls.~~

Sec. 5. That section 77-202.18, Revised Statutes Supplement, 1972, be amended to read as follows:

77-202.18. (1) In any case when the county assessor or county board of equalization disallows or rejects an application for homestead exemption or changes the amount of exemption from that claimed by the applicant, such applicant may obtain a hearing before the county board of equalization by filing a written complaint with the county clerk within ten days from receipt of the notice from the county assessor or county board of equalization showing such rejection or change in amount. Such complaint shall specify his grievances and the pertinent facts in relation thereto, in ordinary and concise language and without repetition, and in such manner as to enable a person of common understanding to know what is intended. The board may take evidence pertinent to such complaint, and for that purpose may compel the attendance of witnesses and the production of books, records, and papers by subpoena. If the appeal involves a determination made by the Tax Commissioner, the board shall notify the Tax Commissioner of the hearing and the Tax Commissioner or his representatives shall attend to present evidence regarding such determination. The taxpayer shall have the right to appeal from the finding of the board with reference to his application for homestead exemption, as provided by law for appeals from the county board of equalization on questions of valuation of property, and the appeal shall be taken in the same manner and subject to the same requirements.

(2) In any case when the Tax Commissioner disallows or rejects a claim for exemption, the applicant may obtain a hearing before the Tax Commissioner by filing a written petition with the Tax Commissioner within ten days from the receipt of the notice of disallowance or rejection. The petition shall state, in clear and concise language, (a) the amount in controversy, (b) the issues involved, (c) the name and address of the applicant, and (d) a demand for relief. The hearing shall be conducted in accordance with sections 84-901 to 84-917.

Sec. 6. During 1973, and 1973 only, if an application for exemption pursuant to sections 77-202.12 to 77-202.22 is filed after April 1 but prior to June 1, the jurisdiction of all offices and officers to act thereon shall be extended by two months except for the certification requirements imposed upon the Tax Commissioner pursuant to section 77-202.16(2).

Sec. 7. If any application for exemption pursuant to sections 77-202.08 to 77-202.17 is denied and the applicant would be qualified for any other exemption pursuant to 77-202.08 to 77-202.17 then such denied application shall be treated as an application for the highest of such other exemption.

Sec. 8. This act shall apply to all taxable years beginning on or after January 1, 1973.".

2. Renumber the existing sections accordingly; on page 3, line 5, and lines 2 and 5 of the title, strike "section" and insert "sections" and after "77-202.12," insert "77-202.13, 77-202.15, 77-202.16, and 77-202.18,"; in line 6 strike "is" and insert "are".

LEGISLATIVE BILL 359. Placed on General File as amended. Standing Committee amendments to LB 359:

1. On page 2, line 11 strike "defined in"; in line 12 strike "section 23-1203" and insert "pursuant to Chapter 23, article 1, Chapter 14, article 4, Chapter 15, article 9, Chapter 16, article 9, Chapter 17, article 10, and Chapter 18, article 13,"; line 18 after "use" insert ", if such special assessment is requested; Provided, that the special assessment provisions shall not be applicable to that portion of lands zoned for agricultural use if such lands have been subdivided for residential use."; and strike lines 19 to 27
2. On page 3 strike lines 1 to 5; in line 6 strike "(3)" and insert "(2)"; in line 16 strike "(2)" and insert "(1)".
3. On page 4, line 27 strike "(2)" and insert "(1)".
4. On page 5 strike lines 5 to 10 and in line 14 strike "(2)" and insert "(1)".
5. On page 6 after line 5 insert "(6) Change of zoning to other than agricultural use zone."; in line 8 strike "(2)" and insert "(1)"; in line 17 strike "(2)" and insert "(1)".
6. On page 7 strike lines 5 to 12.

(Signed) J. W. Burbach, Chairman

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 526. By Burbach, 19th District, Chairman of the Revenue Committee at the Request of the Governor.

A BILL FOR AN ACT to amend sections 77-2730, 77-2733, 77-2769, and 77-27,119, Reissue Revised Statutes of Nebraska, 1943, and sections 77-2715 and 77-2734, Revised Statutes Supplement, 1972, relating to taxation; to correct internal references; to clarify provisions; to provide for resident estates or trusts; to provide for corporations taxed as partnerships; to provide for estimated tax of corporations; to provide for credits; to provide for the use of tax information; and to repeal the original sections.

LEGISLATIVE BILL 527. By Burbach, 19th District, Chairman of the Revenue Committee at the Request of the Governor.

A BILL FOR AN ACT to amend section 57-919, Revised Statutes Supplement, 1972, relating to oil and gas; to provide for filing of assessment reports; to provide for payment of charges; and to repeal the original section, and also section 57-715, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 528. By Burbach, 19th District, Chairman of the Revenue Committee at the Request of the Governor.

A BILL FOR AN ACT to amend sections 66-403, 66-404, 66-406, 66-407, 66-410.03, 66-410.06, 66-412, 66-416, 66-418, 66-518, 66-609, 66-611, 66-614, 66-615, 66-621, and 66-628, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicle fuel taxes; to provide for furnishing of security; to specify what constitutes security; to provide for hearings; to provide for assessment of deficiencies; to provide for collection of delinquent taxes; and to repeal the original sections, and also sections 66-405, 66-417, and 66-610, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 529. By Burbach, 19th District, Chairman of the Revenue Committee at the Request of the Governor.

A BILL FOR AN ACT to amend sections 77-2702, 77-2703, 77-2708, 77-2711, and 77-2712, Reissue Revised Statutes of Nebraska, 1943, and section 77-2704, Revised Statutes Supplement, 1972, relating to sales and use taxes; to define and redefine terms; to clarify provisions; to make a bond permissive; to change exemption provisions; to permit extensions of time; to provide for interest; to provide for administration; to make certain acts unlawful; to provide an exception; and to repeal the original sections.

LEGISLATIVE BILL 530. By Burbach, 19th District, Chairman of the Revenue Committee at the Request of the Governor.

A BILL FOR AN ACT relating to taxation; to provide an alternative method for county-wide reappraisals; to amend section 77-1301.02, Reissue Revised Statutes of Nebraska, 1943, and section 77-1301.07, Revised Statutes Supplement, 1972; and to repeal the original sections.

LEGISLATIVE BILL 531. By Burbach, 19th District, Chairman of the Revenue Committee at the Request of the Governor.

A BILL FOR AN ACT to amend sections 77-2717 and 77-2727, Reissue Revised Statutes of Nebraska, 1943, relating to income tax; to provide for the taxation of incomes of beneficiaries of estates or trusts and of partners; and to repeal the original sections.

SPEAKER PROUD PRESIDING

GENERAL FILE

LEGISLATIVE BILL 255. Considered.

Mr. Rasmussen offered the following amendment which was adopted:
Page 5 line 26 strike "(less)" and add "more" and strike all wording from there to end of lines 1 and 2 on page 6.

Laid over at the request of Mr. Carpenter.

LEGISLATIVE BILL 447. Title read. Considered.

Mr. Carpenter asked unanimous consent to withdraw his pending amendments found in the Journal on page 716 for the Forty-fourth Day. No objections. So ordered.

Mr. Carpenter offered the following amendment to the Standing Committee amendments which was adopted:

1. Strike section 1 and insert:

"Section 1. The State Building Commission shall cause plans, working drawings, and specifications to be prepared or existing plans revised for building a state office building ready for tenant improvements, to be located on block 91, and for providing parking facilities on the north half of block 92, and the north half of block 96, all in the original plat to Lincoln, Nebraska. The commission may employ a director, architects, and draftsmen for the preparation or revision of such plans, working drawings, and specifications, and may contract in the name of the State of Nebraska for the securing of the services of such persons. The commission shall adopt plans to provide sufficient office space for the state beyond 1980. Such plans for space shall be made on the basis of the growth history of each agency which is designated to occupy such building. Such building shall be designed so as to provide at least eighty per cent tenant usable space of the gross area. Subsequently the commission shall provide for subdivision improvements of the net usable space into offices for such state agencies as shall be designated as occupants of such building by the commission and the Legislature. The cost of construction excluding interest on indebtedness of such building and facilities shall not exceed twenty million dollars, plus the amount of investment income received by the State Office Building Fund and by any of the bond or reserve funds established in connection with the city of Lincoln bond issue used to finance such building and facilities.".

The Standing Committee amendments found in the Journal on page 686 for the Forty-third Day were adopted as amended.

Mr. Stahmer moved to bracket this bill until the Governor's operational Budget is adopted, then hear this bill together with the Governor's Capital Construction Bill.

Mr. Stahmer moved for a Call of the House. The motion lost with 8 ayes, 18 nays and 23 not voting.

The Stahmer motion to bracket lost with 10 ayes, 16 nays and 23 not voting.

Advanced to E & R for Review with 32 ayes, 7 nays and 10 not voting.

STANDING COMMITTEE REPORT
Revenue

LEGISLATIVE BILL 344. Placed on General File as amended.
Standing Committee amendment to LB 344:

1. On page 3, strike line 14 and in line 15 strike "taxing district" and insert "county".

(Signed) J. W. Burbach, Chairman

REFERENCE COMMITTEE REPORT

LB	Committee
524	Judiciary
525	Public Health and Welfare
526	Revenue
527	Revenue
528	Revenue
529	Revenue
530	Revenue

531 Revenue

(Signed) Terry Carpenter, Chairman
Executive Board

NOTICE OF COMMITTEE HEARING
Public Health and Welfare

LB 525 Monday, March 19, 1973 2:00 p.m.

(Signed) Thomas Kennedy, Chairman

VISITORS

Speaker Proud introduced 9 Education Administration School Law Students from Kearney State College, Kearney, and their instructor, Mr. Dale Mills.

Speaker Proud introduced 28 Fourth Grade students form Calvert School, Lincoln and their instructor, Mrs. Donna Mowry.

Speaker Proud introduced 20 Political Science students from Chadron State College, Chadron, and their instructor, Mr. Jim Sheaffer.

ADJOURNMENT

At 11:58 a.m., on a motion by Mr. Rasmussen, the Legislature adjourned until 9 a.m., Tuesday, March 13, 1973.

Vincent D. Brown
Clerk of the Legislature

FORTY-SEVENTH DAY—MARCH 13, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

FORTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 13, 1973

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Marsh presiding.

PRAYER

Prayer was offered by the Chaplain.

> We give thanks for nature's beauty shining through a spring-like day; for the spiritual illumination of this season of Lent now advancing toward Easter, and for all else that helps us to look upon the brighter side of life.
>
> So often we encounter things that are not beautiful, and we are tempted to forget. We need to be reminded that this is our Father's world, and that for every act of hatred committed by man against man, there are thousands of acts of love performed.
>
> When life grows dark, and the way ahead becomes uncertain, lift our thoughts to see Divine brightness reflected in a good world, and the love of God reflected in the lives of men and women and children. Somehow let a bit of the glory of this day and of this season rub off on each member of this House. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Kelly who was excused until he arrives and Messrs. Cavanaugh and Fowler who were absent until 9:30 a.m.

CORRECTIONS FOR THE JOURNAL

Page 766, line 43, delete the word "Governor." at end of line.
The Journal for the Forty-sixth Day was approved as corrected.

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on March 13, 1973 at 8:25 a.m. the following: LB 186, LB 216, LB 234, LB 239, LB 296 and LB 373.

(Signed) Barbara Jackson, Enrolling Clerk

CANCELLATION OF COMMITTEE HEARING
Nebraska Retirement Systems

LB 388	Monday, March 19, 1973	7:30 p.m.
LB 445	Monday, March 19, 1973	7:30 p.m.

Room 2102

(Signed) Ramey C. Whitney, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 13, 13A, 34, 224, 339, 351 and 390.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bills: 13, 13A, 34, 224, 339, 351 and 390.

NOTICE OF COMMITTEE HEARINGS
Rules

Thursday, March 15, 1973 at 1:00 p.m. in the East Lounge, Room 2230.

Rule 6, Sec. 2 (p. 357)–Sen. Warner (Failure to advance off G.F.)

Rule 5, Sec. 6 (p. 497)–Sen. Carpenter (Fiscal impact on political Subdivisions)

(p. 501)–Sen. Carpenter (Excused absence on Fridays).

Rule 5, Sec. 5 (p. 580)–Sen. Stull (Introduction of bills to repeal obsolete statutes).

Rule 6, Sec. 4 & 5 (p. 614)–Sen. Syas (Consideration of bills on Select File).

Rule 5, Sec. 13 (p. 736)—Sen. Warner (Holdover bills).
Rule 5, Sec. 13 (p. 736)—Sen. Maresh (Holdover bills).
Rule 6, Sec. 6 (p. 759)—Sen. Warner (Correctness of bills).

(Signed) Herbert J. Duis, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 46.

A BILL FOR AN ACT to amend section 77-1736.04, Reissue Revised Statutes of Nebraska, 1943, relating to taxation; to provide for the refund of any tax, assessment, or penalty or any part thereof held illegal without the necessity of filing claim therefor; to provide for outlawed claims; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Barnett	Burbach	Carpenter	C. Carsten	F. Carstens
Chambers	Clark	DeCamp	Dickinson	Duis
Epke	Fellman	Goodrich	Hasebroock	Johnson
Kennedy	Keyes	Kime	F. Lewis	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Marvel
Moylan	Murphy	Nore	Proud	Rasmussen
Richendifer	Savage	Schmit	Simpson	Skarda
Snyder	Stahmer	Stromer	Stull	Syas
Waldron	Warner	Whitney	Wiltse	

Voting in the negative, 0.

Not voting, 5:

Anderson	Cavanaugh	Fowler	Kelly	Kremer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 138. With Emergency.

A BILL FOR AN ACT to amend sections 37-214.03 and 37-214.04, Revised Statutes Supplement, 1972, relating to game and fish; to provide for perpetual special hunting and fishing permits for disabled veterans; to provide a residency requirement; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Chambers
Clark
DeCamp
Dickinson
Epke
Fellman
Goodrich
Hasebroock
Johnson
Kennedy
Keyes
Kime
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Nore
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 4:

Cavanaugh
Duis
Fowler
Kelly

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 210.

A BILL FOR AN ACT to amend sections 77-316 and 77-2037, Reissue Revised Statutes of Nebraska, 1943, relating to taxation; to eliminate a mailing requirement; to provide for expiration of inheritance tax liens; to change time for filing suit; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Chambers
Clark
DeCamp
Dickinson
Epke
Fellman
Goodrich
Hasebroock
Johnson
Kennedy
Keyes
Kime
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh

Marvel Moylan Murphy Nore Proud
Rasmussen Richendifer Savage Schmit Simpson
Skarda Snyder Stahmer Stromer Stull
Syas Waldron Whitney Wiltse

Voting in the negative, 0.

Not voting, 5:

Cavanaugh Duis Fowler Kelly Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 231.

A BILL FOR AN ACT to amend section 81-561, Reissue Revised Statutes of Nebraska, 1943, and section 81-556, Revised Statutes Supplement, 1972, relating to state administrative departments; to authorize inspection of the work of state licensed electricians; to provide an exception; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Mr. Carpenter moved for a Call of the House. The motion prevailed with 26 ayes, 14 nays and 9 not voting.

The Call showed 46 members present.

Mr. Clark moved the Call be raised. The motion prevailed with 41 ayes, 0 nays and 8 not voting.

Voting in the affirmative, 19:

Carpenter Chambers Fellman Goodrich Keyes
F. Lewis Luedtke Mahoney Marsh Marvel
Moylan Proud Richendifer Savage Schmit
Simpson Skarda Syas Waldron

Voting in the negative, 24:

Anderson Barnett Burbach C. Carsten Clark
DeCamp Dickinson Duis Epke Hasebroock
Kennedy Kime Kremer R. Lewis Maresh
Murphy Nore Rasmussen Snyder Stromer
Stull Warner Whitney Wiltse

Not voting, 6:

F. Carstens Cavanaugh Fowler Johnson Kelly
Stahmer

Having failed to receive a constitutional majority voting in the affirmative, the bill failed of passage.

LEGISLATIVE BILL 241.

A BILL FOR AN ACT to amend section 23-1506, Reissue Revised Statutes of Nebraska, 1943, relating to the register of deeds; to clarify provisions; to provide when plats and subdivisions shall not be recorded; to define a term; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Anderson Barnett Burbach Carpenter C. Carsten
F. Carstens Chambers Clark DeCamp Dickinson
Duis Epke Fellman Goodrich Hasebroock
Johnson Kennedy Kime Kremer F. Lewis
R. Lewis Luedtke Mahoney Maresh Marsh
Marvel Moylan Murphy Nore Proud
Rasmussen Richendifer Savage Schmit Simpson
Skarda Snyder Stahmer Stromer Stull
Syas Waldron Warner Whitney Wiltse

Voting in the negative, 0.

Not voting, 4:

Cavanaugh Fowler Kelly Keyes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 243.

A BILL FOR AN ACT to amend section 71-2608, Reissue Revised Statutes of Nebraska, 1943, relating to the State Board of Health; to eliminate the maximum salary limitation to be paid the Director of Health; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Burbach
Carpenter
C. Carsten
Chambers
Clark
DeCamp
Duis
Epke
Fellman
Goodrich
Hasebroock
Johnson
Kime
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Moylan
Proud
Rasmussen
Richendifer
Savage
Schmit
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney

Voting in the negative, 7:

Anderson
F. Carstens
Dickinson
Kennedy
Nore
Simpson
Wiltse

Not voting, 7:

Barnett
Cavanaugh
Fowler
Kelly
Keyes
Marvel
Murphy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION–Suspend Rules

Mr. Chambers moved to suspend the rules to take up LB 12 on Final Reading today. The motion prevailed with 33 ayes, 2 nays and 14 not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 12.

A BILL FOR AN ACT relating to cities of the metropolitan class; to state legislative findings; to provide for the election of city councilmen by districts as prescribed; to provide duties and procedure; to provide for election of the mayor; to provide for the filling of vacancies; to provide operative dates; to amend sections 14-201, 14-204, 14-205, 14-206, 14-207, 14-209, and 14-216, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original sections, and also sections 14-203, 14-217, and 14-222, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 22:

Anderson
Barnett
Burbach
Carpenter
Cavanaugh
Chambers
DeCamp
Dickinson
Duis
Fowler
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Marvel
Nore
Rasmussen
Schmit
Simpson
Skarda
Waldron

Voting in the negative, 24:

C. Carsten
F. Carstens
Clark
Fellman
Goodrich
Hasebroock
Johnson
Kennedy
Keyes
Kime
Maresh
Moylan
Murphy
Proud
Richendifer
Savage
Snyder
Stahmer
Stromer
Stull
Syas
Warner
Whitney
Wiltse

Not voting, 3:

Epke
Kelly
Marsh

Having failed to receive a constitutional majority voting in the affirmative, the bill failed of passage.

LEGISLATIVE RESOLUTION

LEGISLATIVE RESOLUTION 18.

Introduced by Hasebroock, 18th District; Richendifer, 16th District; Anderson, 37th District; Barnett, 26th District; Burbach, 19th District; Carpenter, 48th District; C. Carsten, 2nd District; F. Carstens, 30th District; Cavanaugh, 9th District; Chambers, 11th District; Clark, 47th District; DeCamp, 40th District; Dickinson, 31st District; Duis, 39th District; Epke, 24th District; Fellman, 4th District; Fowler, 27th District; Goodrich, 20th District; Johnson, 15th District; Kelly, 35th District; Kennedy, 21st District; Keyes, 3rd District; Kime, 43rd District; Kremer, 34th District; F. Lewis, 45th District; R. Lewis, 38th District; Luedtke, 28th District; Mahoney, 5th District; Maresh, 32nd District; Marsh, 29th District; Marvel, 33rd District; Moylan, 6th District; Murphy, 17th District; Nore, 22nd District; Proud, 12th District; Rasmussen, 41st District; Savage, 10th District; Schmit, 23rd District, Simpson, 46th District; Skarda, 7th District; Snyder, 14th District; Stahmer, 8th District; Stromer, 36th District; Stull, 49th District; Syas, 13th District; Waldron, 42nd District; Warner 25th District; Whitney, 44th District; Wiltse, 1st District

WHEREAS, Dr. John G. Neihardt has long been recognized as Nebraska's poet laureate; and

WHEREAS, Dr. Neihardt has been known as a humanitarian having a greatness of heart and love of fellowman which equal his literary abilities; and

WHEREAS, Dr. Neihardt throughout his life has received honors and public acclamation which few men receive; and

WHEREAS, Dr. Neihardt composed over a period of years his great epic poem "A Cycle of the West", which has no equal in terms of artistry and historical significance.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature approves and supports all efforts to gain for Dr. Neihardt the title, "Epic Poet of America".
2. That President Nixon be sent a copy of this resolution.
3. That President Nixon be asked for his assistance in the granting of the citation for Dr. Neihardt.
4. That each member of the Nebraska Congressional delegation be sent a copy of this resolution.

SELECT FILE

LEGISLATIVE BILL 194. E & R amendment found in the Journal on page 749 for the Forty-sixth Day was adopted.

Mr. Barnett offered the following unanimous consent amendment:

To eliminate "counties between 100,000 and 300,000 population that have an Air Pollution Control Advisory Board."

Mr. Syas objected.

Mr. Whitney offered the following unanimous consent amendment:

To eliminate all counties over 300,000 population.

Mr. Syas objected.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 146. E & R amendment found in the Journal on page 749 for the Forty-sixth Day was adopted.

Advanced to E & R for Engrossment.

MOTION—Return LB 194 to Select File

Mr. Barnett moved to return LB 194 to Select File for the following specific amendment:

To eliminate "counties between 100,000 and 300,000 population that have an Air Pollution Control Advisory Board."

Mr. Whitney moved to amend the Barnett motion to eliminate all counties under 300,000 population.

The Whitney amendment was adopted with 16 ayes, 13 nays and 20 not voting.

Mr. Syas requested a record vote on the Barnett motion as amended.

Mr. Barnett moved for a Call of the House. The motion prevailed with 22 ayes, 3 nays and 24 not voting.

The Call showed 42 members present.

Mr. Carpenter moved the Call be raised. The motion prevailed with 30 ayes, 3 nays and 16 not voting.

Voting in the affirmative, 24:

Anderson
Barnett
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
Clark
Dickinson
Epke
Fowler
Johnson
Kremer
Luedtke
Maresh
Marsh
Murphy
Simpson
Stahmer
Stull
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 15:

Fellman
Goodrich
Keyes
Kime
F. Lewis
R. Lewis
Mahoney
Moylan
Nore
Rasmussen
Savage
Schmit
Skarda
Snyder
Syas

Not voting, 10:

Burbach
DeCamp
Duis
Hasebroock
Kelly
Kennedy
Marvel
Proud
Richendifer
Stromer

The Barnett motion, as amended, lost with 24 ayes, 15 nays and 10 not voting.

MOTION—Withdraw LB 514

Mr. Stull moved to withdraw LB 514. Laid over.

MOTION–Withdraw LB 456

Mr. Fellman renewed his pending motion found in the Journal on page 759 for the Forty-sixth Day to withdraw LB 456. The motion prevailed with 36 ayes, 0 nays and 13 not voting.

MOTION–Override Veto on LB 14

Mr. Schmit moved to override the Governor's veto on LB 14.

The question is, "Shall LB 14 be passed notwithstanding the objections of the Governor?".

Voting in the affirmative, 36:

Anderson
F. Carstens
Johnson
R. Lewis
Murphy
Schmit
Stromer
Wiltse
Barnett
Cavanaugh
Kelly
Luedtke
Nore
Simpson
Stull
Burbach
Chambers
Kime
Maresh
Proud
Skarda
Syas
Carpenter
Fowler
Kremer
Marsh
Rasmussen
Snyder
Waldron
C. Carsten
Hasebroock
F. Lewis
Marvel
Richendifer
Stahmer
Warner

Voting in the negative, 7:

Clark
Moylan
Dickinson
Whitney
Goodrich
Keyes
Mahoney

Not voting, 6:

DeCamp
Savage
Duis
Epke
Fellman
Kennedy

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION–Override Veto on LB 14A

Mr. Schmit moved to override the Governor's veto on LB 14A.

The question is, "Shall LB 14A be passed notwithstanding the objections of the Governor?' "

Voting in the affirmative, 35:

Anderson Barnett Burbach Carpenter C. Carsten
F. Carstens Chambers Duis Fowler Hasebroock
Johnson Kelly Kime Kremer F. Lewis
R. Lewis Luedtke Maresh Marsh Marvel
Murphy Nore Proud Rasmussen Richendifer
Savage Schmit Simpson Skarda Snyder
Stahmer Stull Syas Warner Wiltse

Voting in the negative, 6:

Clark Dickinson Goodrich Mahoney Moylan
Whitney

Not voting, 8:

Cavanaugh DeCamp Epke Fellman Kennedy
Keyes Stromer Waldron

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

UNANIMOUS CONSENT—Approve Governor Appointments

Mr. Whitney asked unanimous consent to approve the following appointments found in the Journal on page 751 for the Forty-sixth Day in one vote. No objections. So ordered.

Claude L. Jelen – Power Review Board
Jack Lederman – Power Review Board
John Shoemaker – Power Review Board

Voting in the affirmative, 38:

Anderson Barnett Burbach C. Carsten F. Carstens
Cavanaugh Clark Dickinson Duis Epke
Fowler Hasebroock Johnson Kelly Keyes
Kime Kremer F. Lewis R. Lewis Luedtke
Maresh Marsh Marvel Moylan Murphy
Nore Proud Rasmussen Richendifer Savage
Schmit Skarda Snyder Stromer Stull
Syas Whitney Wiltse

Voting in the negative, 0.

Not voting, 11:

Carpenter Chambers DeCamp Fellman Goodrich
Kennedy Mahoney Simpson Stahmer Waldron
Warner

The appointments were confirmed with 38 ayes, 0 nays and 11 not voting.

UNANIMOUS CONSENT–Member Excused

Mr. Goodrich asked unanimous consent to be excused tomorrow until he arrives. No objections. So ordered.

ANNOUNCEMENTS

Mr. Luedtke announced the Judiciary Committee would meet at 2:00 p.m. today in the Legislative Council Hearing Room for Executive Session.

Mr. Warner announced the Education Committee would have an Executive Session in Room 2102 on Tuesday, March 20, 1973, at 12:00 p.m.

NOTICE OF COMMITTEE HEARINGS

Nebraska Retirement Systems

LB 388	Tuesday, March 20, 1973	7:30 p.m.
LB 445	Tuesday, March 20, 1973	7:30 p.m.

Room 2102

(Signed) Ramey C. Whitney, Chairman

Judiciary

LB 524	Wednesday, March 21, 1973	2:00 p.m.

(Signed) Roland A. Luedtke, Chairman

Public Health and Welfare

LB 404	(Reset) Tuesday, March 20, 1973	2:00 p.m.

(Signed) Thomas C. Kennedy, Chairman

STANDING COMMITTEE REPORTS

Constitutional Revision and Recreation

LEGISLATIVE BILL 356. Placed on General File as amended.

Standing Committee amendment to LB 356:

On page 3, line 10, strike "section" and insert "~~section~~ act"

(Signed) George Syas, Chairman

Public Works

LEGISLATIVE BILL 290. Placed on General File as amended. Standing Committee amendments to LB 290:

1. On page 3, lines 5 to 7, after "order," strike "and shall order that the operator's license of such person be revoked for a like period", and insert "except as provided for in section 3 of this act".

2. Insert two new sections to be known as sections 2 and 3 and to read as follows:

"Sec. 2. The Director of Motor Vehicles shall within one hundred twenty days after the effective date of this act develop a model probation program which shall generally comply with the ASAP Program of the National Highway Traffic Safety Administration as now in effect or amended from time to time. Thereafter any county or municipality desiring to have a program of probation certified shall submit the same to the State Probation Administrator who shall examine the program to determine that the same has been in effect for at least ninety days, and is generally in compliance with the model standard prepared by the Director of Motor Vehicles. If the State Administrator shall find that the program meets those requirements, he shall then certify the program. In the event that the State Administrator shall at any time determine that the program is not being conducted in accordance with the plan as certified, he may suspend the certification of the program and the court suspending proceedings pursuant to the provisions of section 3 of this act.

Sec. 3. If any county or municipality thereof having jurisdiction in such offenses shall any time after the effective date of this act develop a certified program of probation as provided for in section 2 of this act and shall have conducted said program either before or after certification for a period of at least ninety days; then so long as the program remains certified as provided for herein the court within said county or municipality thereof having jurisdiction over offenses covered by this act may waive the requirement that persons placed on probation shall not drive any motor vehicle for any purpose for a period of thirty days from the date of the order as provided for in section 1 of this act.".

3. Renumber original section 2 as section 4.

LEGISLATIVE BILL 332. Placed on General File as amended. Standing Committee amendments to LB 332:

1. On page 3, strike lines 19 to 25 and renumber subsections (3) to (7) as subsections (2) to (6).

2. On page 5, line 14 strike "A" and insert "Subject to land-use regulations of a county or municipality, a".

3. On page 6, strike subsection (1) in lines 10 to 15, and renumber subsection (2) as subsection (1).

4. On page 7, strike subsection (4) in lines 7 to 14, and renumber subsection (3) as subsection (2).

5. Strike section 7 on pages 7 and 8; and renumber original section 8 as section 7.

LEGISLATIVE BILL 397. Placed on General File as amended. Standing Committee amendments to LB 397:

1. Strike section 3 and insert a new section 3 to read as follows:

"Sec. 3. (1) Whenever any person is the holder of two or more licenses or permits at a single location or two or more licenses at various locations issued under the provisions of Chapter 66, article 4, and Chapter 66, article 6, such person may make application to the Tax Commissioner for the privilege to file and maintain a combined security. Such security shall run to the Department of Revenue of the State of Nebraska and be conditioned upon the payment of all taxes, interest, penalties, and costs for which such dealer is liable, whether such liability was incurred prior to or after such security is filed. The form and amount of such combined security shall be fixed and determined by the Tax Commissioner, but such combined security shall be for an amount not less than the cumulative total of the amount of the individual securities required for each license or permit in accordance with the provisions of sections 66-404, 66-410.03, and 66-609; Provided, that none of the maximum limits specified therein shall be applicable to the combined security.

(2) The Tax Commissioner may grant to the person the privilege to file and maintain a combined security when he determines it is in the best interest of the state and when the granting of such privilege will not jeopardize the collection of the tax, penalty, and interest due or to become due under the individual licenses or permits held by such person.

(3) The Tax Commissioner shall prescribe such forms and regulations as he may deem necessary in order that the tax, penalty, and interest due or to become due under the individual licenses and permits be guaranteed by the combined security and the various factors necessary for determination of the amounts of combined securities be proper and uniform.

(4) Nothing contained in this section shall prohibit the person applying for or the Tax Commissioner granting the privilege of filing and maintaining a combined security for a portion of the permits or licenses held by such person. In such case, the permits or licenses not covered by the combined security shall be guaranteed by an individual security issued under the license or permit in accordance with the provisions of sections 66-404, 66-410.03, and 66-609.".

2. Insert a new section 4 to read as follows:

"Sec. 4. The provisions of this act shall become operative on January 1, 1974.".

3. Renumber original section 4 as section 5.

Government, Military and Veteran's Affairs

LEGISLATIVE BILL 23. Indefinitely postponed.

LEGISLATIVE BILL 31. Indefinitely postponed.

(Signed) Ernest Chambers, Chairman

BILL ON FIRST READING

The following bill was read for the first time by title:

LGISLATIVE BILL 162A. By Waldron, 42nd District.

A BILL FOR AN ACT to appropriate seventy-eight thousand seven hundred forty-one dollars from the state General Fund for the period of September 1, 1973 to June 30, 1974 to District Courts, Agency No. 06 for Program 007, Court Reporters Salaries, to aid in carrying out the provisions of Legislative Bill 162, Eighty-third Legislature, First Session, 1973.

MOTION—Suspend Rules

Mr. Warner moved to suspend the rules to introduce two new bills by the Committee on Education.

The motion prevailed with 35 ayes, 1 nay and 13 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 532. By Education Committee: Warner, 25th District, Chairman; Waldron, 42nd District; Kremer, 34th District; Dickinson, 31st District; Kelly, 35th District; Fowler, 27th District.

A BILL FOR AN ACT to repeal section 79-1247.12, Reissue Revised Statutes of Nebraska, 1943, relating to education.

LEGISLATIVE BILL 533. By Education Committee: Warner, 25th District, Chairman; Kremer, 34th District; Waldron, 42nd District; Fowler, 27th District; Kime, 43rd District; Kelly, 35th District.

A BILL FOR AN ACT to amend sections 79-2603, 79-2604, and 79-2616, Reissue Revised Statutes of Nebraska, 1943, and sections 79-2617, 79-2620, and 79-2626, Revised Statutes Supplement, 1972, relating to technical community colleges; to decrease the number of college areas; to change provisions relating to vocational technical colleges and junior colleges; to provide for the election of board members; to provide for budgets; to repeal the original sections, and also sections 79-2605 to 79-2609 and 79-2611, Reissue Revised Statutes of Nebraska, 1943, and section 79-2610, Revised Statutes Supplement, 1972; and to declare an emergency.

MOTION–Introduce Bill

Mr. Burbach moved the introduction of a new bill by the Committee on Revenue (Request No. 824). The motion prevailed with 37 ayes, 0 nays and 12 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 534. By Revenue Committee: Burbach, 19th District, Chairman; Epke, 24th District; C. Carsten, 2nd District; Rasmussen, 41st District; Anderson, 37th District; Keyes, 3rd District; Mahoney, 5th District; Skarda, 7th District.

A BILL FOR AN ACT to amend sections 77-1226.01 and 77-1226.02, Reissue Revised Statutes of Nebraska, 1943, relating to taxation; to provide exemption from taxation of goods stored in transit or for shipment in bonded and licensed storage areas as prescribed; and to repeal the original sections.

REFERENCE COMMITTEE REPORT

LB	Committee
532	General File
533	Education
534	Revenue

(Signed) Terry Carpenter, Chairman
Executive Board

UNANIMOUS CONSENT–Bracket LB 206

Mr. Kennedy asked unanimous consent to bracket LB 206 indefinitely on Final Reading. No objections. So ordered.

UNANIMOUS CONSENT–Member Excused

Mr. Stull asked unanimous consent to be excused tomorrow morning until he returns. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS

Education

LB 533	Tuesday, March 20, 1973	2:00 p.m.

(Signed) Jerome Warner, Chairman

Revenue

LB 527	Monday, March 19, 1973	2:00 p.m.
LB 528	Monday, March 19, 1973	2:00 p.m.
LB 526	Tuesday, March 20, 1973	2:00 p.m.
LB 531	Tuesday, March 20, 1973	2:00 p.m.
LB 529	Tuesday, March 20, 1973	2:00 p.m.

(Signed) J. W. Burbach, Chairman

VISITORS

President Marsh introduced 90 4th Grade students from Sheridan School, Lincoln and teachers Donna McKinney, Delores Painter, Ester Johnson.

President Marsh introduced 45 Seniors from East High School, Lincoln and teacher Mrs. Ann Barry.

ADJOURNMENT

At 11:40 a.m., on a motion by Mr. Rasmussen, the Legislature adjourned until 9:00 a.m., Wednesday, March 14, 1973.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

FORTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 14, 1973

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Marsh presiding.

PRAYER

Prayer was offered by the Chaplain.

> Before we do anything else this week, O Lord our God, we would attempt to align our spirits by the Great Creator Spirit of life, so that we might not wobble too noticeably, nor wander too frequently.
>
> This is why we pray. And this is why we offer in prayer whatever endowments we have received of mind and heart and will to the work which is uniquely ours.
>
> May the strength of God pilot us; may the power of God preserve us; may the wisdom of God instruct us; may the hand of God protect us; may the shield of God defend us. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Goodrich and Stull who were excused until they arrived and Mr. Dickinson who was excused until 9:30 a.m. and Mr. Richendifer who was absent.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-seventh Day was approved.

MESSAGES FROM THE GOVERNOR

March 8, 1973

The Honorable Richard F. Proud
Speaker of the 83rd Legislature
State Capitol, Room 2022

Dear Senator Proud:

The purpose of this letter is to inform the Legislature of my intention to recommend no funding for telecommunications development. It has become apparent that no economies can be realized through the system and as a result of the concluded studies, I have decided that no useful purpose will be served to the state.

Respectfully submitted,

(Signed) J. James Exon

March 12, 1973

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment requiring legislative confirmation:

> Ronald Woodward, Broken Bow, Nebraska – replaces William E. Colwell, Hay Springs, who has resigned from the Advisory Committee to the Department of Economic Development.

I respectfully submit this appointment for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on March 14, 1973 at 8:25 a.m. the following: LB 13, LB 13A, LB 34, LB 224, LB 339, LB 351 and LB 390.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 146. Replaced on Select File as amended.

E & R amendment to LB 146:

1. On page 2, strike beginning with "upon" in line 6 through "or" in line 8 and show the same as stricken.

LEGISLATIVE BILL 447. Placed on Select File as amended.
E & R amendments to LB 447:

1. In new section 1, line 7, strike "to" and insert "of".
2. In section 2, line 2, insert an underscored comma after "Nebraska"; in line 5, strike the second "to" and insert "of"; and in line 7, strike "to" and insert "of".
3. In section 5, line 41, insert "~~Third~~" before "Fourth".
4. In the title, strike lines 2 to 18 and insert:

"FOR AN ACT to provide for the erection of a state office building as prescribed; to authorize the purchase of a building; to provide for funding and make appropriations; to amend sections 72-716.01 and 72-716.02, Reissue Revised Statutes of Nebraska, 1943, and section 77-2602, Revised Statutes Supplement, 1972; to delete obsolete matter; to repeal the original sections; and to declare an emergency.".

Correctly Engrossed

The following bill was correctly engrossed: 194.

Correctly Enrolled

The following bills were correctly enrolled: 46, 138, 210, 241 and 243.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bills: 46, 138, 210, 241, and 243.

NOTICE OF COMMITTEE HEARINGS

Revenue

LB 530	Wednesday, March 21, 1973	2:00 p.m.
LB 534	Wednesday, March 21, 1973	2:00 p.m.

(Signed) J. W. Burbach, Chairman

STANDING COMMITTEE REPORTS
Labor

LEGISLATIVE BILL 260. Indefinitely postponed.

LEGISLATIVE BILL 270. Indefinitely postponed.

LEGISLATIVE BILL 292. Indefinitely postponed.

(Signed) Richard Maresh, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 173.

A BILL FOR AN ACT relating to public health; to require immunization of certain school children except as prescribed.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Anderson Barnett Burbach Carpenter C. Carsten
F. Carstens Cavanaugh Clark DeCamp Duis
Epke Fellman Fowler Hasebroock Johnson
Kelly Kennedy Keyes Kremer F. Lewis
Luedtke Mahoney Maresh Marsh Marvel
Moylan Murphy Nore Proud Rasmussen
Savage Schmit Simpson Skarda Snyder
Stahmer Stromer Syas Waldron Warner
Whitney Wiltse

Voting in the negative, 0.

Not voting, 7:

Chambers Dickinson Goodrich Kime R. Lewis
Richendifer Stull

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 284.

A BILL FOR AN ACT to amend section 37-213.03, Reissue Revised Statutes of Nebraska, 1943, relating to game and fish; to change the posting, signs, and contents as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Anderson
Barnett
Burbach
C. Carsten
F. Carstens
Cavanaugh
Clark
DeCamp
Duis
Epke
Fellman
Fowler
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Nore
Proud
Rasmussen
Savage
Schmit
Simpson
Skarda
Snyder
Stahmer
Stromer
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 6:

Carpenter
Chambers
Dickinson
Goodrich
Richendifer
Stull

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 301. With Emergency.

A BILL FOR AN ACT to amend section 54-101, Revised Statutes Supplement, 1972, relating to the Nebraska Brand Laws; to redefine terms; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Clark
DeCamp
Duis

Epke Fellman Fowler Hasebroock Johnson
Kelly Kennedy Keyes Kime Kremer
F. Lewis R. Lewis Luedtke Mahoney Maresh
Marsh Marvel Moylan Murphy Nore
Proud Rasmussen Savage Schmit Simpson
Skarda Snyder Stahmer Stromer Syas
Waldron Warner Whitney Wiltse

Voting in the negative, 0.

Not voting, 5:

Chambers Dickinson Goodrich Richendifer Stull

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 317.

A BILL FOR AN ACT to amend sections 39-794 and 39-795, Revised Statutes Supplement, 1972, relating to rules of the road; to provide for records of persons placed on probation; to provide for the furnishing of abstracts of judgments of conviction or probation; to provide when points shall and shall not be assessed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Anderson Barnett Burbach C. Carsten F. Carstens
Cavanaugh Clark DeCamp Dickinson Duis
Epke Fellman Fowler Hasebroock Johnson
Kelly Kennedy Keyes Kime Kremer
Luedtke Mahoney Maresh Marsh Marvel
Moylan Murphy Nore Proud Savage
Schmit Simpson Skarda Snyder Stahmer
Stromer Syas Warner Whitney Wiltse

Voting in the negative, 1:

Waldron

Not voting, 8:

Carpenter Chambers Goodrich F. Lewis R. Lewis
Rasmussen Richendifer Stull

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 453. With Emergency.

A BILL FOR AN ACT to amend sections 17-953 and 17-954, Reissue Revised Statutes of Nebraska, 1943, relating to municipal enterprises; to eliminate the requirement for a vote of the people for purchasing or erecting municipal buildings; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Mr. Carpenter moved for a Call of the House. The motion prevailed with 33 ayes, 5 nays and 11 not voting.

The Call showed 46 members present.

Mr. Carpenter moved the Call be raised. The motion prevailed with 39 ayes, 0 nays and 10 not voting.

Voting in the affirmative, 31:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
DeCamp
Duis
Epke
Fellman
Fowler
Hasebroock
Johnson
Kelly
Keyes
Kremer
F. Lewis
Luedtke
Mahoney
Marsh
Moylan
Murphy
Proud
Savage
Schmit
Snyder
Stahmer
Stromer
Syas
Warner

Voting in the negative, 13:

Clark
Dickinson
Kennedy
Kime
R. Lewis
Maresh
Marvel
Nore
Rasmussen
Simpson
Skarda
Waldron
Whitney

Not voting, 5:

Chambers
Goodrich
Richendifer
Stull
Wiltse

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed with the emergency clause attached, the question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 27:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	DeCamp	Duis	Fellman
Fowler	Hasebroock	Johnson	Kelly	Keyes
F. Lewis	Luedtke	Mahoney	Marsh	Moylan
Murphy	Proud	Snyder	Stahmer	Stromer
Syas	Warner			

Voting in the negative, 14:

Chambers	Clark	Dickinson	Kennedy	Kime
R. Lewis	Maresh	Nore	Rasmussen	Schmit
Simpson	Skarda	Waldron	Whitney	

Not voting, 8:

Epke	Goodrich	Kremer	Marvel	Richendifer
Savage	Stull	Wiltse		

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

STANDING COMMITTEE REPORT
Public Works

LEGISLATIVE BILL 414. Placed on General File as amended.
Standing Committee amendments to LB 414:

1. On page 2, line 2 strike "may" and insert "shall"; in line 3 strike "or" and insert "and"; in line 4 strike "such person" and insert "any licensee"; in line 5 strike "course of approved training and educational sessions" and insert "defensive driving course certified by the National Saftey Council, such course shall be paid by the individual attending the instruction."; in line 6 before "designed" insert "Such course shall be"; and strike lines 11 to 25.

2. On page 3, lines 3 and 4 strike "enumerated in subsection (1) of this section or for any offense"; and strike lines 11 to 27.

3. On page 4, strike lines 1 to 11; in line 14 after "complete" insert "an"; in lines 14 and 15 strike "training and educational sessions" and insert "defensive driving course"; in line 18 strike "shall" and insert "may"; in line 19 strike "to enable" and insert "for the purpose of enabling"; in lines 20 and 21 strike "training and educational sessions" and insert "defensive driving course"; in lines 24 and 25 strike "training and educational"; in line 26 strike "Once the temporary license"; and strike line 27.

4. On page 5 strike lines 1 to 3; in line 12 strike "either"; in line 16 strike "or" and insert "and"; in lines 17 and 18 strike "course of approved training and educational sessions" and insert "defensive driving course certified by the National Safety Council".

5. Renumber original sections 3, 4, and 5 as sections 2, 3, and 4.

(Signed) Maurice A. Kremer, Chairman

NOTICE OF COMMITTEE HEARING
Government, Military and Veteran's Affairs

LB 174	Thursday, March 22, 1973 (Reset)	2:00 p.m.
LB 204	Thursday, March 22, 1973	2:00 p.m.
LB 217	Thursday, March 22, 1973	2:00 p.m.

(Signed) Ernest Chambers, Chairman

Committee on Committees

March 14, 1973

The Committee on Committees will meet at 12:30 p.m. Thursday, March 22, 1973, for the purpose of hearing appointments submitted by Governor J. James Exon as follows:

Thomas J. Fitchett – Power Review Board
John C. Mitchell – Board of Educational Lands and Funds
Kenneth Zimmerman – Game and Parks Commission

(Signed) Ramey C. Whitney, Chairman

GENERAL FILE

LEGISLATIVE BILL 452. Title read. Considered.

Standing Committee amendments referred to in the Journal on page 761 for the Forty-sixth Day were explained.

Mr. Carpenter offered the following amendment to the Standing Committee Amendments:

1. On page 7, line 9, of the committee amendment strike "include" and insert "be appointed by"; strike lines 10 to 12, and insert "subject to the approval of the Legislature."

The Carpenter amendment lost with 14 ayes, 23 nays and 12 not voting.

Mr. Keyes offered the following amendment to the Standing Committee Amendments:

In line 10 of Sec. 4

Paragraph 1, Strike starting with "the Attorney General and all of line 11 and 12 and insert "and 4 members of the Supreme Court who shall be selected by their 7 members.

The Keyes amendment lost with 3 ayes, 30 nays and 16 not voting.

Mr. Fellman offered the following amendment to the Standing Committee amendment:

In Sec. 48, p. 39, line 22, strike word "director" and substitute "Governor" and strike "within the" on line 22 and "purchasing division" on line 23. On line 24 strike "The Department of Governmental Services" and substitute "The State Building Manager".

The Fellman amendment was adopted with 26 ayes, 9 nays and 14 not voting.

The Standing Committee amendments were adopted, as amended with 34 ayes, 0 nays and 15 not voting.

Mr. Stahmer asked unanimous consent to add his name to LB 452. No objections. So ordered.

Advanced to E & R for Review with 31 ayes, 2 nays and 16 not voting.

LEGISLATIVE BILL 255. Considered.

MR. WHITNEY PRESIDING

Mr. C. Carsten offered the following amendments:

1. On page 5, line 7, insert "No permit shall be required for entry onto property leased for concession puposes." after the period.
2. In lieu of standing committee amendment thereto, on page 6, strike line 23 and insert "administration, operation, maintenance, and improvement of those areas or portions of areas of the state park system which are designated as fee-use areas."

Amendment No. 1 was adopted with 19 ayes, 10 nays and 20 not voting.

PRESIDENT MARSH PRESIDING

Amendment No. 2 was adopted with 23 ayes, 5 nays and 21 not voting.

Mr. Carpenter moved to indefinitely postpone. Motion pending.

MESSAGES FROM THE GOVERNOR

March 13, 1973

Mr. Vince Brown
Clerk of the Legislature
State House
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 65, 163, 186, 189, 201, 201A, 213, 215, 216, 239, 263, 276, 296, 330, 335, 337, 373, 391, and Reengrossed Legislative Bill No. 166.

These bills were signed by me on March 13, 1973 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

March 13, 1973

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bill No. 40A, with my changes reducing the dollar amount of the appropriation figure from $59,971 to $25,000, with your letter indicating that the Legislature will not attempt to override the line item veto.

This bill was signed by me originally on March 2, 1973 and delivered to the Secretary of State on March 13, 1973.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 482. Placed on General File.

LEGISLATIVE BILL 511. Placed on General File as amended.
Standing Committee amendment to LB 511:
1. On page 4, line 4, strike "administer" and insert "supervise".

LEGISLATIVE BILL 512. Placed on General File as amended.
Standing Committee amendment to LB 512:
1. Add the Emergency Clause.

(Signed) Thomas C. Kennedy, Chairman

UNANIMOUS CONSENT–Member Excused

Mr. R. Lewis asked unanimous consent to be excused Thursday and Friday, March 15 and 16. No objections. So ordered.

UNANIMOUS CONSENT–Executive Sessions

Mr. F. Carstens asked unanimous consent to hold an Executive Session of the Banking, Commerce and Insurance Committee at 11:45 a.m. today in the West Lounge. No objections. So ordered.

Mr. Waldron asked unanimous consent to hold an Executive Session of the Miscellaneous Subjects Committee Thursday Morning, March 15, 8:30 a.m. in room 2102. No objections. So ordered.

SELECT COMMITTEE REPORT
Committee on Committees

March 14, 1973

The Committee on Committees desires to report favorably upon the appointments listed below which were submitted by Governor J. James Exon. The Committee suggests that the appointments be confirmed by the Legislative Body and suggests a record vote:

Don O. Bridge – Game and Parks Commission

Committee Vote: For: (7) Senators Epke, Luedtke, Snyder, Stromer, Stull, Whitney and Wiltse

Against: None

Present and not voting: (1) Senator Nore

Absent and not voting: (5) Senators Barnett, Chambers, Duis, Johnson and Stahmer

Dr. William C. Peters – Director of Personnel

Committee Vote: For: (7) Senators Epke, Luedtke, Snyder, Stromer, Stull, Whitney and Wiltse

Against: None

Present and not voting: (1) Senator Nore

Absent and not voting: (5) Senators Barnett, Chambers, Duis, Johnson and Stahmer

John L. Sullivan – Director, Department of Motor Vehicles

Committee Vote: For: (7) Senators Epke, Luedtke, Snyder, Stromer, Stull, Whitney and Wiltse

Against: None

Present and not voting: (1) Senator Nore

Absent and not voting: (5) Senators Barnett, Chambers, Duis, Johnson and Stahmer

Respectfully submitted,

(Signed) Ramey C. Whitney, Chairman
Committee on Committees

VISITORS

President Marsh introduced 47 4th Grade students from Hawthorne School, Lincoln and teachers, Mrs. Willis and Mrs. Grandstaff.

President Marsh introduced 32 Seniors from Wynot High School, Wynot and sponsors, Messrs. McNeil and Reifert and Mrs. Stolpe and Miss Halvorsen.

President Marsh introduced 3 Political Science students from Doan College, Crete and Mr. Ed McPartland, teacher.

President Marsh introduced 14 Juniors and Seniors from Litchfield High School, Litchfield and Mr. Benjamin Picard, Miss Morriss and Mrs. Schultz, teachers.

President Marsh introduced Miss Liliana Martins, exchange student from Marilia, Sao Paulo State, Brazil, attending Amherst High School accompanied by Jim and Shawn Belschner from Amherst.

President Marsh introduced Mrs. Bernard Ausenfon from Versailles, France and Mrs. Bill Johnson and Mrs. Phil James from Fremont.

ADJOURNMENT

Mr. F. Carstens moved to adjourn. The motion prevailed with 18 ayes, 6 nays and 25 not voting. The Legislature adjourned at 11:51 a.m., until 9:00 a.m., Thursday, March 15, 1973.

Vincent D. Brown
Clerk of the Legislature

FORTY-NINTH DAY—MARCH 15, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

FORTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 15, 1973

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Marsh presiding.

PRAYER

The prayer was offered by Rev. Rolf Langendoerfer, Student Chaplain at Bryan Hospital, from Southern Germany.

> Lord, our heavenly Father,
>
> We come to you to begin this day's work in your name. We thank you for the gifts you have granted us, the ability to make free and good decisions, the promise of forgiveness and the chance of a new beginning where we have failed and where we might fail. Let us begin this day with the question in mind what you want us to do.
>
> We ask you to help these men and women to see their responsibility for the people of this state, to make decisions for the well-being of all citizens. Let us be aware of the needs of the people who are not powerful and verbal enough to speak for themselves, the poor, underprivileged, the weak and sick. Let them find speakers and representatives in this house.
>
> Where decisions have to be made, there are differences in opinion, there is struggle and fight for every ones own position. Help that these differences do not overshadow the issues and do not break people apart and create enemies. Help us all to respect each other as persons and co-workers, to be in dialogue with each other and able to listen to each other.
>
> Lord, help us to be creative, to take risks, give strength and courage, so that we can be good householders of your creation. Amen.

ROLL CALL

The roll was called and all members were present except Mr. R. Lewis who was excused; Mr. Snyder who was excused until he arrives; Mr. Stahmer who was absent until 10:00 a.m.

CORRECTIONS FOR THE JOURNAL

Page 801, line 17, delete "25 not voting".
The Journal for the Forty-eighth Day was approved as corrected.

UNANIMOUS CONSENT—Members Excused

Mr. Richendifer asked unanimous consent to be excused at 10:30 a.m. today until Monday. No objections. So ordered.

Mr. Stull asked unanimous consent to be excused tomorrow. No objections. So ordered.

Mr. Kremer asked unanimous consent to be excused at 11:15 for the remainder of the morning. No objections. So ordered.

COMMUNICATIONS on LB 14 and LB 14A

March 15, 1973

Hon. Allen J. Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Re: LB 14, Eighty-Third Legislature, First Session

Pursuant to the provisions of 84-503, RRS, we are forwarding LB 14 with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 14 notwithstanding the objections of the Governor.

Yours very truly,

(Signed) Vincent D. Brown
Clerk of the Legislature

jj

cc:Governor J. James Exon

CERTIFICATE

Legislative Bill 14 having been returned by the Governor with his objections thereto, and after reconsideration, having passed the Legislature by the constitutional majority, it has become law this 13th day of March, 1973.

(Signed) Frank Marsh, Presiding Officer
President of the Legislature

March 15, 1973

Hon. Allen J. Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Re: LB 14A, Eighty-Third Legislature, First Session

Pursuant to the provisions of 84-503, RRS, we are forwarding LB 14A with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 14A notwithstanding the objections of the Governor.

Yours very truly,

(Signed) Vincent D. Brown
Clerk of the Legislature

jj

cc: Governor J. James Exon

CERTIFICATE

Legislative Bill 14A having been returned by the Governor with his objections thereto, and after reconsideration, having passed the Legislature by the constitutional majority, it has become law this 13th day of March, 1973.

(Signed) Frank Marsh, Presiding Officer
President of the Legislature

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on March 15, 1973 at 8:15 a.m. the following: LB 46, LB 138, LB 210, LB 241 and LB 243.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 173, 284, 301, 317 and 453.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bills: 173, 284, 301, 317 and 453.

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 113. Indefinitely postponed.

LEGISLATIVE BILL 402. Placed on General File as amended.
Standing Committee amendments to LB 402:

1. On page 4, line 26 strike "continue" and insert "discontinue".
2. On page 5, line 2 after "term" insert ", and only after the county board has discussed such discontinuance at a public hearing for which proper notice has been duly given"; and in line 11 after "county" insert "or two thousand five hundred dollars, whichever is greater"; in lines 2 and 3 strike "does not elect to continue" and insert "elects to discontinue"; and in line 4 insert "or a Class II, III, IV or V school district" after the word "part".

LEGISLATIVE BILL 408. Placed on General File.

(Signed) Jerome Warner, Chairman

EXPLANATION OF VOTE

Had I been present March 14, 1973, I would have voted "aye" on LB 173, LB 284, LB 301 and LB 317 and "nay" on LB 453 on Final Reading.

(Signed) Leslie A. Stull

COMMUNICATION

Acknowledged receipt of H. R. No. 14 from the State of Mississippi regarding application to Congress for a Convention to propose an amendment to the Constitution of the United States pursuant to Article V.

The Resolution is on file in the Clerk's office.

UNANIMOUS CONSENT–Bracket LB 146

Mr. Rasmussen asked unanimous consent to bracket LB 146 on Final Reading until LB 268 reaches final reading, with LB 268 being read first. No objections. So ordered.

UNANIMOUS CONSENT–Pass Over LB 232

Mr. Syas asked unanimous consent to pass over LB 232 on Final Reading this morning. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 102. With Emergency.

A BILL FOR AN ACT to amend sections 43-601, 43-611, 43-630, and 43-632, Revised Statutes Supplement, 1972, relating to handicapped children; to provide for care and education of multihandicapped children at state expense; to clarify terms relating to the administration of programs; to provide an exception; to repeal the original sections, and also section 43-639, Revised Statutes Supplement, 1972; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Clark
DeCamp
Dickinson
Duis
Epke
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Kremer
F. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Nore
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 4:

Chambers R. Lewis Snyder Stahmer

A constitutional two-thirds majority having voted in the affirmative, the bill was declared pass with the emergency clause and the title agreed to.

LEGISLATIVE BILL 112.

A BILL FOR AN ACT to amend section 20-112, Reissue Revised Statutes of Nebraska, 1943, relating to civil rights; to define unlawful discriminatory practices; to provide duties for the Equal Opportunity Commission; to provide complaint procedures; to provide penalties; and to repeal the original section, and also section 20-111, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 26:

Anderson Barnett C. Carsten F. Carstens Cavanaugh
Chambers DeCamp Duis Fellman Fowler
Kelly F. Lewis Luedtke Mahoney Marsh
Marvel Moylan Savage Schmit Simpson
Skarda Stromer Stull Syas Waldron
Warner

Voting in the negative, 15:

Burbach Carpenter Clark Dickinson Epke
Goodrich Hasebroock Kennedy Keyes Kremer
Maresh Murphy Nore Rasmussen Richendifer

Not voting, 8:

Johnson Kime R. Lewis Proud Snyder
Stahmer Whitney Wiltse

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 112A.

A BILL FOR AN ACT to appropriate eleven thousand six hundred eighty-three dollars from the state General Fund for the period of July 1, 1973 to June 30, 1974 to the Equal Opportunity Commission, Agency

No. 67 for Program 059, Enforcement of Standards, to aid in carrying out the provisions of Legislative Bill 112, Eighty-third Legislature, First Session, 1973.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Mrs. Marsh requested a roll call vote.

Voting in the affirmative, 25:

Anderson Barnett Carpenter C. Carsten F. Carstens
Cavanaugh Chambers DeCamp Duis Fellman
Fowler Goodrich F. Lewis Luedtke Mahoney
Marsh Marvel Moylan Savage Schmit
Simpson Skarda Stull Syas Waldron

Voting in the negative, 18:

Burbach Clark Dickinson Epke Hasebroock
Kelly Kennedy Keyes Kime Kremer
Maresh Murphy Nore Rasmussen Richendifer
Stromer Warner Whitney

Not voting, 6:

Johnson R. Lewis Proud Snyder Stahmer
Wiltse

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 167

A BILL FOR AN ACT to amend sections 8-1101, 8-1103, 8-1105, 8-1109, 8-1110, 8-1111, 8-1112, 8-1118, and 8-1120, Reissue Revised Statutes of Nebraska, 1943, relating to securities; to provide for the regulation of issuer-dealers; to increase fees; to change internal references; to eliminate exemptions; to eliminate a restriction on the use of a fund; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
Clark
DeCamp
Dickinson
Epke
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Kremer
F. Lewis
Luedtke
Maresh
Marsh
Moylan
Murphy
Nore
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Stromer
Stull
Syas
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 7:

Duis
R. Lewis
Mahoney
Marvel
Snyder
Stahmer
Waldron

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 273.

A BILL FOR AN ACT to amend sections 71-1524 and 71-1525, Reissue Revised Statutes of Nebraska, 1943, relating to housing; to provide that tenants of a housing authority may serve as commissioners of the housing authority; to provide the manner in which tenants are appointed to serve as commissioners; to provide for confirmations; to provide for vacancies; to provide a restriction; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Anderson
Barnett
C. Carsten
F. Carstens
Cavanaugh
Chambers
Clark
DeCamp
Duis
Epke
Fellman
Fowler
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Kremer
F. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Stull
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 2:

Not voting, 9:

Carpenter	Dickinson	R. Lewis	Murphy	Nore
Snyder	Stahmer	Stromer	Syas	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION–Suspend Rules

Mr. Proud moved to suspend the Rules and take up consideration of LR 9 on General File at this time.

The motion prevailed with 40 ayes, 0 nays and 9 not voting.

GENERAL FILE

LEGISLATIVE RESOLUTION 9. Considered.

Mr. Simpson moved to indefinitely postpone.

Mr. Chambers moved the previous question. The question is, "Shall the debate now cease?" The motion prevailed with 43 ayes, 0 nays and 6 not voting.

The Simpson motion lost with 18 ayes, 29 nays and 2 not voting.

Mr. Proud moved to adopt LR 9.

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now cease?" The motion prevailed with 40 ayes, 5 nays and 4 not voting.

Mr. Proud asked unanimous consent to correct the error in LR 9 referring to LR 83 which should read LR 86.

Mrs. Marsh objected.

Mr. Proud moved the error be corrected. The motion prevailed with 32 ayes, 7 nays and 10 not voting.

EASE

The Legislature was at ease from 10:15 a.m. to 10:30 a.m.

Mr. Proud moved to suspend the rules requiring resolutions to be considered as a bill and consider for adoption LR 9 at this time. The motion prevailed with 33 ayes, 11 nays and 5 not voting.

Mr. Chambers requested a roll call vote.

Voting in the affirmative, 31:

Burbach
Carpenter
C. Carsten
F. Carstens
Clark
DeCamp
Dickinson
Epke
Goodrich
Hasebroock
Johnson
Kennedy
Keyes
Kime
Kremer
Mahoney
Maresh
Murphy
Nore
Proud
Rasmussen
Richendifer
Savage
Schmit
Skarda
Snyder
Stromer
Stull
Syas
Whitney
Wiltse

Voting in the negative, 17:

Anderson
Barnett
Cavanaugh
Chambers
Duis
Fellman
Fowler
Kelly
F. Lewis
Luedtke
Marsh
Marvel
Moylan
Simpson
Stahmer
Waldron
Warner

Not voting, 1:

R. Lewis

LR 9 was adopted with 31 ayes, 17 nays and 1 not voting.

Mr. Carpenter asked unanimous consent to expedite LR 9. No objections. So ordered.

MOTIONS—Introduce Bills

Mr. Schmit moved the introduction of a new bill by the Committee on Agriculture and Environment (Request No. 822). The motion prevailed with 31 ayes, 0 nays and 18 not voting.

Mr. Marvel moved the introduction of a new bill by the Committee on Appropriations (Request No. 804). The motion prevailed with 30 ayes, 0 nays and 19 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 535. By Committee on Agriculture and Environment: Schmit, 23rd District, Chairman; Kennedy, 21st District; Dickinson, 31st District; Rasmussen, 41st District; Kime, 43rd District; Maresh, 32nd District; Epke, 24th District; C. Carsten, 2nd District.

A BILL FOR AN ACT relating to agriculture; to define terms; to provide for licensing of livestock markets; to establish fees; to create a special fund; to provide for inspections; to define powers and duties; to provide penalties; and to declare an emergency.

LEGISLATIVE BILL 536. By Appropriations Committee: Marvel, 33rd District, Chairman; Savage, 10th District; Clark, 47th District; Nore, 22nd District; Johnson, 15th District; Stahmer, 8th District; Simpson, 46th District; Marsh, 29th District; Whitney, 44th District.

A BILL FOR AN ACT to amend sections 83-108, 83-1,147, and 83-305, Reissue Revised Statutes of Nebraska, 1943, relating to state institutions; to provide for nursing and intermediate care facilities as prescribed; to repeal the original sections; and to declare an emergency.

SELECT FILE

LEGISLATIVE BILL 146. E & R amendment found in the Journal on page 790 for the Forty-eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 447. E & R amendments found in the Journal on page 791 for the Forty-eighth Day were adopted.

Advanced to E & R for Engrossment.

RESOLUTION

LEGISLATIVE RESOLUTION 19.

Introduced by Carpenter, 48th District.

RESOLVED, By the Legislature of the State of Nebraska, That the Legislature, hereby and pursuant to Article V of the Constitution of the United States, makes application to the Congress of the United States to call a convention for the proposing of the following amendment to the Constitution of the United States:

ARTICLE

No student shall be assigned to nor compelled to attend any particular public school on account of race, religion, color or national origin; and be it further

RESOLVED, That this application by the Legislature of the State of Nebraska constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislatures of the several states have made similar applications pursuant to

Article V, but if Congress proposes an amendment to the Constitution identical with that contained in this resolution before January 1, 1974, this application for a state application shall no longer be of any force or effect; and be it further

RESOLVED, That since this method of proposing amendments to the Constitution has never been completed to the point of calling a convention and no interpretation of the power of the states in the exercise of this right has ever been made by any court or any qualified tribunal, if there be such, and since the exercise of the power is a matter of basic sovereign rights and the interpretation thereof is primarily in the sovereign government making such exercise and since the power to use such right in full also carries the power to use such right in part the Legislature of the State of Nebraska intreprets Article V to mean that if two-thirds of the states make application for a convention to propose an identical amendment to the Constitution for ratification with a limitation that such amendment be the only matter before it, that such convention would have power only to propose the specified amendment and would be limited to such proposal and would not have power to vary the text thereof nor would it have power to propose other amendments on the same or different propositions; and be it further

RESOLVED, That a duly attested copy of this resolution be immediately transmitted to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, to each member of the Congress from Nebraska and to each House of each State Legislature in the United States.

Mr. Carpenter requested the Resolution be referred to a committee. No objections. So ordered.

MOTION—Approve Governor Appointments

Mr. Whitney moved the adoption of the appointments found in the Journal on page 800 for the Forty-eighth Day as follows and suggest a record vote.

Don O. Bridge – Game and Parks Commission

Voting in the affirmative, 28:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
Cavanaugh
Clark
Fellman
Fowler
Goodrich
Johnson
Kelly
Kennedy
Kime
Kremer
Luedtke
Maresh
Marsh
Marvel
Moylan
Murphy
Rasmussen
Simpson
Skarda
Stahmer
Stromer
Stull
Whitney

Voting in the negative, 0.

Not voting, 21:

F. Carstens
Chambers
DeCamp
Dickinson
Duis
Epke
Hasebroock
Keyes
F. Lewis
R. Lewis
Mahoney
Nore
Proud
Richendifer
Savage
Schmit
Snyder
Syas
Waldron
Warner
Wiltse

The appointment was confirmed with 28 ayes, 0 nays and 21 not voting.

Dr. William C. Peters – Director of Personnel

Voting in the affirmative, 27:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
Clark
DeCamp
Dickinson
Fellman
Kelly
Kennedy
Kime
F. Lewis
Luedtke
Maresh
Marsh
Moylan
Murphy
Proud
Rasmussen
Savage
Skarda
Stromer
Stull
Syas
Whitney
Wiltse

Voting in the negative, 1:

Goodrich

Not voting, 21:

F. Carstens
Cavanaugh
Chambers
Duis
Epke
Fowler
Hasebroock
Johnson
Keyes
Kremer
R. Lewis
Mahoney
Marvel
Nore
Richendifer
Schmit
Simpson
Snyder
Stahmer
Waldron
Warner

The appointment was confirmed with 27 ayes, 1 nay and 21 not voting.

John L. Sullivan – Director, Department of Motor Vehicles

Voting in the affirmative, 32:

Anderson
Barnett
Carpenter
C. Carsten
Clark
DeCamp
Dickinson
Fellman
Fowler
Goodrich
Johnson
Kelly
Kennedy
Kime
Kremer
F. Lewis
Luedtke
Maresh
Marsh
Marvel
Moylan
Murphy
Nore
Rasmussen
Savage
Simpson
Skarda
Stahmer
Stromer
Stull
Whitney
Wiltse

Voting in the negative, 1:

Burbach

Not voting, 16:

F. Carstens Cavanaugh Chambers Duis Epke
Hasebroock Keyes R. Lewis Mahoney Proud
Richendifer Schmit Snyder Syas Waldron
Warner

The appointment was confirmed with 32 ayes, 1 nay and 16 not voting.

NOTICE OF COMMITTEE HEARING
Appropriations

LB 505 Thursday, March 22, 1973 2:00 p.m.

(Signed) Richard D. Marvel, Chairman

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 488. Placed on General File as amended.
Standing Committee amendment to LB 488:
1. On page 2, line 14, after the comma insert "or for transporting industrial equipment held by the licensee for purposes of demonstration, sale, rental, or delivery,".

LEGISLATIVE BILL 489. Placed on General File.

(Signed) Maurice A. Kremer, Chairman

GENERAL FILE

LEGISLATIVE BILL 43. Title read. Considered.

Standing Committee amendment found in the Journal on page 406 for the Twenty-seventh Day was adopted.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 255. Considered.

Mr. Carpenter renewed his pending motion found in the Journal on page 798 for the Forty-eighth Day to indefinitely postpone LB 255.

Mr. Carpenter moved the previous question. The question is, "Shall the debate now cease?" The motion prevailed with 26 ayes, 7 nays and 16 not voting.

The motion to indefinitely postpone prevailed with 21 ayes, 16 nays and 12 not voting.

LEGISLATIVE BILL 268. Title read. Considered.

Mr. Chambers offered the following amendment, which was adopted:
Add the Emergency Clause.

Mr. Cavanaugh asked unanimous consent to have all the proposed amendments to LB 268 printed in the Journal. No objections. So ordered.

Mr. DeCamp offered the following amendment:
On Page 2, line 6, strike all of the language from line 6 to line 17; and after the word "herein" in line 5, add the following language--"eliminates capriciousness in its imposition which is in accord with Supreme Court of the United States guidelines relative to the imposition of a death penalty."
Page 2 to Page 3, line 3, after the word "death", put a period; strike the word "or" in Line 3; and strike lines 4 & 5.
Page 5, strike all of section 4; strike all of section 5.
Page 6, strike all of section 6; strike all of section 7.
Page 7, strike all of Page 7.
Page 8, strike all of page 8, except Section 10.
Amendment pending.

Mr. Chambers offered the following amendments:

1. On page 2, line 3 after "death" strike the semicolon and insert a period; strike lines 4 to 9 and "applied in individual cases by the court." in line 10; in line 13 insert a period after "act" and strike the remainder of line 13 and lines 14 to 17.
2. On page 5, line 20 after "to" strike "any of the aggravating or mitigating"; strike lines 21 to 23; and in line 24 strike "his counsel shall be permitted to present".
3. On page 6, line 4 after "imprisonment" insert a period and strike ", but such determination shall be based upon"; strike lines 5 to 10; in line 15 strike ", and referring to the aggravating"; and strike lines 16 to 27.
4. On page 7 strike lines 1 to 27.
5. On page 8 strike lines 1 to 10.
6. Renumber original sections 8, 9, and 10 as sections 7, 8, and 9 respectively.

Amendments pending.

Mr. DeCamp offered the following amendments:

1. On page 8, line 11, insert the following sections:

"Sec. 8. Whoever shall be sentenced to suffer death, shall at a reasonable time prior to the date set for the execution, be permitted to take his own life in such manner as shall be provided by rules and regulations of the Department of Public Institutuions. Such rules and regulations shall consider the safety and welfare of the employees and inmates of the Nebraska Penal and Correctional Complex.

Sec. 9. That section 29-2504, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2504. The mode of inflicting the punishment of death, in all cases, shall be by ~~causing to pass through the body of the convicted person a current of electricity of sufficient intensity to cause death, and the application of such current shall be continued until such convicted person is dead~~ chemical means. Such chemicals shall be administered to the convicted person in a manner that creates a minimum of pain and suffering. The warden of the Nebraska Penal and Correctional Complex, and in case of his death, sickness, absence or inability to act, then the deputy warden, shall be the executioner; Provided, the warden may in writing specially designate and appoint a suitable and competent person to act for him, and under his direction, as executioner in any particular case. A crime punishable by death must be punished according to the provisions herein made and not otherwise.

Sec. 10. That section 29-2505, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2505. When any person shall be sentenced to be ~~electrocuted~~ executed, such punishment shall be inflicted within the walls of the Nebraska Penal and Correctional Complex, or within the yard or enclosure adjacent thereto, under the supervision of the warden and in such a manner as to exclude the view of all persons save those permitted to be present as provided in sections 29-2506 and 29-2507.

Sec. 11. That section 29-2514, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2514. If any person who has been convicted of a crime punishable by death, and sentenced to be ~~electrocuted~~ executed, shall escape, and shall not be retaken before the time fixed for his execution, it shall be lawful for the warden, or any sheriff or other officer or person to rearrest such person and return him to the custody of the warden of the Nebraska Penal and Correctional Complex, who shall thereupon make return thereof to the Governor of the state, and the Governor shall thereupon issue a warrant, fixing and appointing a day for the execution, which shall be carried into effect by the warden in the same manner as herein provided for the execution of an original sentence of death.

Sec. 12. That section 29-2515, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2515. Whenever any person has been tried and convicted before any district court in this state, of a crime punishable by death, and under the conviction has been sentenced by the court to suffer death, it shall be the duty of the clerk of the court before which the conviction was had to issue his warrant, under the seal of the court, reciting therein the conviction and sentence directed to the warden of the Nebraska Penal and Correctional Complex, commanding him to proceed at the time named in the sentence to carry the same into execution by causing the person so convicted and sentenced to be ~~electrocuted by the passage of an electric current through the body until dead~~ executed as provided in section 29-2504, the clerk shall deliver the warrant to the sheriff of the county in which conviction was had, and such sheriff shall thereupon forthwith remove such convicted person to the Nebraska Penal and Correctional Complex of the state, and there deliver him, together with the warrant, into the custody of the warden who shall receive and safely keep such convict within the Nebraska Penal and Correctional Complex until the time of execution, or until otherwise ordered by competent authority.".

2. Renumber original sections 8, 9, and 10 as sections 13, 14, and 15.

3. On page 8, line 25, after "sections" insert "29-2504, 29-2505, 29-2514, and 29-2515, Reissue Revised Statutes of Nebraska, 1943, and sections".

Amendments pending.

Mr. Carpenter asked unanimous consent to bracket LB 268 until Tuesday, March 20. No objections. So ordered.

MOTION—Withdraw LB 278

Mr. C. Carsten moved to withdraw LB 278. Laid over.

STANDING COMMITTEE REPORTS
Government, Military and Veteran's Affairs

LEGISLATIVE BILL 272. Indefinitely postponed.

LEGISLATIVE BILL 274. Indefinitely postponed.

LEGISLATIVE BILL 244. Placed on General File as amended.
Standing Committee amendment to LB 244:

1. Strike sections 1 and 2 and insert a new section 1 to read as follows:

"Section 1. In any county having a population of more than one hundred thousand and less than three hundred thousand inhabitants where such county has entered into an agreement with the county seat for it to provide the services of its electronic data processing equipment for the purposes of tax collection, the county treasurer shall receive from such city for services provided in the assessment and collection of taxes, the amount provided by agreement between the county and such city.".

LEGISLATIVE BILL 277. Placed on General File as amended.
Standing Committee amendments to LB 277:

1. On page 2 line 4 strike the line beginning with "when", and show as stricken matter; line 5 strike "freeholders of the county, the" and show as stricken matter and insert "The".
2. On page 2 line 7 insert "and Indian burial grounds" after "cemetery".

(Signed) Ernest Chambers, Chairman

REFERENCE COMMITTEE REPORT

LB	Committee
535	General File
536	General File
LR 19	Constitutional Revision and Recreation

(Signed) Terry Carpenter, Chairman
Executive Board

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 43A. By Education Committee: Kelley, 35th District, Vice-Chairman.

A BILL FOR AN ACT to appropriate six hundred fifty-five thousand three hundred ninety-three dollars from the state General Fund for the period of July 1, 1973 to June 30, 1974 to the State Department of Education, Agency No. 13 for Program 025, to aid in carrying out the provisions of Legislative Bill 43, Eighty-third Legislature, First Session, 1973.

ANNOUNCEMENT

Mr. Whitney announced that the Legislature could start all day sessions on March 26.

MESSAGE FROM THE GOVERNOR

March 14, 1973

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 34, 224, 339, 351, and 390.

These bills were signed by me on March 14, 1973 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed LR 9.

NOTICE OF COMMITTEE HEARING
Constitutional Revision and Recreation

LR 19	Thursday, March 22, 1973	2:00 p.m.

(Signed) George Syas, Chairman

VISITORS

President Marsh introduced Mrs. Gene Placek, daughter of Senator Maresh, and her family, Sonja, Gina and Jaime from Kearney, Nebraska.

President Marsh introduced Ex-Senator Peter Claussen of Leigh, Nebraska.

President Marsh introduced 11 Cadette Girl Scouts, Troop No. 97 from Lexington and their leaders Mrs. Dick Crawford and Mrs. Harold Erpelding.

President Marsh introduced the Fourth Grade students from St. John's Lutheran School in Seward and their teacher Lucinda Bartels.

President Marsh introduced 68 children and adults of project EMBRACE, Omaha and their teachers Angel Carter and Gordan Simmons.

President Marsh introduced members of the Guthrie Theatre Company of Minnesota who have given performances of John Steinback's "Of Mice and Men" to packed audiences at the University, and the last performance of their current tour will be tonight.

ADJOURNMENT

At 11:50 a.m., on a motion by Mr. Dickinson, the Legislature adjourned until 9:00 a.m., Friday, March 16, 1973.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

FIFTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 16, 1973

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Marsh presiding.

PRAYER

The prayer was offered by Father Anthony Petrusic from St. Peter & Paul Church, Omaha.

> Oh Lord, we thank you for bringing us to the beginning of the new day. Give us the courage to begin this day with your strength and help so that in all that we do your interests will prevent our own small differences and misunderstandings. We ask that your blessings will be with us and all of the people we represent today and every day. Thank you for bringing us to the end of another week. May we enjoy the fruits of our labor with good humor, good health and your blessing. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. DeCamp, Keyes, Clark, Fellman, R. Lewis, Richendifer and Stull who were excused; Mr. Waldron who was absent until 9:30 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-ninth Day was approved.

UNANIMOUS CONSENT—Member Excused

Mr. Kime asked unanimous consent to be excused at noon today until Tuesday. No objections. So ordered.

MESSAGES FROM THE SECRETARY OF STATE

March 15, 1973

Honorable Speaker
and Members of the Legislature Assembled
83rd Legislature, First Session
State Capitol Building
Lincoln, Nebraska

Dear Mr. Speaker:

Please be advised that pursuant to instructions in Sec. 2 of the Legislative Resolution 9, I have this date submitted by certified mail and State Seal, certified copies of Legislative Resolution 9 to the Administrator of General Services of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States. Said documents with cover letters were mailed at 4:20 p.m. on Thursday, March 15, 1973.

Respectfully yours,

(Signed) ALLEN J. BEERMANN
Secretary of State

March 15, 1973

Mr. Vince Brown
Clerk of the Unicameral Legislature
State Capitol
Lincoln, Nebraska

RE: L. B. 14 and L. B. 14A
83rd Legislature, First Session

Dear Mr. Brown:

I am in receipt of Legislative bills 14 and 14A on this date March 15, 1973 at 11:00 a.m.

I have also received with these Legislative bills the official certification signed by the Honorable Frank Marsh, President of the Legislature, that both bills after reconsideration, were duly passed by the Legislature notwithstanding the objections of the Governor.

L. B. 14 and 14A have been officially filed in this office and will become law as provided in the Constitution.

Respectfully acknowledged,

(Signed) ALLEN J. BEERMANN
Secretary of State

COMMUNICATIONS

March 14, 1973

Mr. Vincent D. Brown
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. Brown:

I am pleased to enclose a copy of the letter that I have just received from Mr. Frederic V. Malek, Deputy Director of the Office of Management and Budget, in regard to the Environmental Protection Agency regulations which were the suggestion of Legislative Resolution No. 6 passed by the Nebraska Legislature on January 25.

I hope this information will be helpful to you and the members of the Legislature who have expressed an interest in this problem.

With very best regards, I am

Sincerely yours,

(Signed) CARL T. CURTIS, USS

CTC:smf
Enc.

March 6, 1973

Honorable Carl T. Curtis
United States Senate
Washington, D. C. 20510

Dear Senator Curtis:

I am replying to your letter of February 2 relating to regulations and reporting requirements of the Environmental Protection Agency published in the Federal Register, under the title "Proposed Forms and Guidelines for Acquisition of Information From Owners and Operators of Point Sources", with which you enclose a resolution of the Nebraska State Legislature dated January 5, 1973. The resolution addresses itself particularly to the regulations and reporting requirements as they relate to farmers.

This Office has reviewed the reporting requirements associated with the regulations as required by the Federal Reports Act and has indicated no objection to the use of "National Pollutant Discharge Elimination System–Application for Permit to Discharge–Short Form" for use by

Municipal Treatment Plants, Manufacturing Establishments, and Services, Wholesale and Retail Trade and Other Establishments" and "Monitoring Reports" for use by permit holders.

The proposed "Application–Short Form" for use by agricultural procedures has not been approved for use. It is my understanding that the Environmental Protection Agency plans an extended review of this proposed application form. At such time as the Agency develops an application form which it believes to be necessary, it will submit the proposed application for clearance by this Office under the Federal Reports Act. You may be sure that any request for clearance of a revised application will be most carefully reviewed.

If I can be of further help to you in this matter, please let me know.

Sincerely,

(Signed) Frederic V. Malek
Deputy Director

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 302, passed in the 1965 session of the Legislature, the attached is a list of all lobbyists who have registered as of March 15, 1973. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Vincent D. Brown
Clerk of the Legislature

Ryan, James E. – Lincoln, Wells Fargo Armored Service Corporation
Walker, William L. – Lincoln, Nebraska Environmental Health Association, Inc.
Watson, B. Frank – Lincoln, Nebraska Boys Ranch a/k/a Snow Redfern Memorial Foundation

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on March 16, 1973, at 8:40 a.m.: LB 173, LB 284, LB 301, LB 317, and LB 453.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 146 and 447.

Correctly Enrolled

The following bills were correctly enrolled: 102, 112, 112A, 167, and 273.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of tranacting business, the President signed the following bills: 102, 112, 112A, 167 and 273.

STANDING COMMITTEE REPORT
Public Works

LEGISLATIVE BILL 491. Placed on General File as amended.
Standing Committee amendments to LB 491:

1. On page 9 insert a new section 6 to read as follows:

"Sec. 6. That section 39-1351, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-1351. Any person desiring to submit to the department a bid for the performance of any contract for the construction, reconstruction, improvement, maintenance, or repair of roads, bridges, and their appurtenances, which the department proposes to let, shall apply to the department for prequalification not later than ~~one week~~ ten days before the letting of the contract. The department shall determine the extent of any applicant's qualifications by a full and appropriate evaluation of his experience, equipment, financial resources, and performance record. In determining the qualification of persons to bid on any particular contract, the department shall consider the equipment and resources available for the particular contract contemplated; Provided, that the above requirements shall not apply to contracts for repair and maintenance where the estimate of the engineer for such repair and maintenance is less than twenty-five hundred dollars, or of an emergency nature.".

2. Renumber original sections 6 and 7 as sections 7 and 8 respectively.

(Signed) Maurice A. Kremer, Chairman

APPRECIATION

Mr. Rasmussen thanked Mr. Mahoney for the St. Patricks' Day Corsages on behalf of the members and staff.

UNANIMOUS CONSENT–General File Bills

Mr. Carpenter asked that we start at the top of General File and if anyone objects to a bill it will automatically be passed over. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 20.

Introduced by Carpenter, 48th District.

WHEREAS, the population increase in many Nebraska counties along with improved crime detection and solving methods have increased the caseloads of many county attorneys; and

WHEREAS, rulings of the United States Supreme Court regarding the rights of accused persons to a speedy trial have exerted additional pressure on the staffs of many county attorneys; and

WHEREAS, the civil caseloads that arise out of the proliferation of government programs and agencies of government have added to the workload on county attorneys and their staffs; and

WHEREAS, many technological advances have been made that may be implemented to alleviate some of the pressures and inefficiencies inherent in the administration of a modern county attorney's office; and

WHEREAS, results of numerous studies of the reforms needed in administration of criminal justice are available.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the cooperation and advice of the Court Administrator and his staff be sought and utilized by the Judiciary Committee to determine what legislation should be considered by this body in order to achieve greater efficiency in the administration of justice insofar as the offices of the county attorneys are concerned.
2. That a copy of this resolution be forwarded to the Supreme Court of this state and to the Court Administrator.
3. That the Judiciary Committee in cooperation with the Court Administrator, and any other entity or agency that the committee may find appropriate, undertake an interim study and propose appropriate legislation for increasing the efficiency of the county attorney offices of this state at the second session of the Eighty-Third Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 21.

Introduced by Cavanaugh, 9th District.

WHEREAS, numerous state agencies have expanded to the point that there are often several state agencies in cities outside of the capitol which are housed in diverse locations; and

WHEREAS, the proliferation of branch offices of state agencies housed in diverse locations has become inefficient, duplicative, excessively expensive and inconvenient for the citizens who must deal with such state agencies; and

WHEREAS, it is the duty of the state to serve the citizen and make government easily accessible to the governed.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

That the Governor acquire by lease or purchase suitable structures to consolidate offices of state agencies wherever feasible in major population centers throughout the state.

Referred to a committee at the request of Mr. Carpenter.

LEGISLATIVE RESOLUTION 22.

Introduced by Warner, 25th District.

WHEREAS, the Nebraska Hall of Fame Commission was established by action of the Nebraska State Legislature; and

WHEREAS, the Commission utilizing the criteria established by the Legislature has elected Bess Streeter Aldrich as a member of the Hall of Fame; and

WHEREAS, Bess Streeter Aldrich so authentically portrayed the life of the settlers who founded the great State of Nebraska and so ably interpreted their characteristics that all are filled with admiration of the pioneers, and are inspired; so wholesomely composed that all find beauty and pleasure therein; and

WHEREAS, Bess Streeter Aldrich was truly one of us, who lived and worked among us, one Nebraskans are proud to acclaim.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That this Legislature accept the Bust of Bess Streeter Aldrich and have it placed in the Hall of Fame in the State Capitol.
2. That the ceremony for the dedication and installation of the Bust be held on Tuesday, May the 22nd, 1973 at one o'clock in the Hall of Fame in the State Capitol.

Laid over.

MOTION—Introduce Bill

Mr. Schmit moved the introduction of a new bill by the Committee on Agriculture and Environment. (Request No. 753).

The motion prevailed with 30 ayes, 0 nays and 19 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 111A. By Carpenter, 48th District.

A BILL FOR AN ACT to appropriate eighty-seven thousand six hundred twenty dollars from the state General Fund for the period of July 1, 1973 to June 30, 1974 to the Nebraska Liquor Control Commission, Agency No. 35 for Program 73, to aid in carrying out the provisions of Legislative Bill 111, Eighty-third Legislature, First Session, 1973.

LEGISLATIVE BILL 537. By Agriculture and Environment Committee, Schmit, 23rd District, Chairman; Kennedy, 21st District; C. Carsten, 2nd District; Kime, 43rd District; Rasmussen, 41st District.

A BILL FOR AN ACT to amend section 81-1505, Revised Statutes Supplement, 1972, relating to the Environmental Protection Act; to provide that the Environmental Control Council may adopt rules and regulations implementing the Federal Water Pollution Control Act Amendments of 1972; to repeal the original section; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 43A. Title read. Considered.

Laid over.

LEGISLATIVE BILL 311. Bracketed at the request of Mr. Carpenter.

LEGISLATIVE BILL 68. Considered.

Mr. Carpenter asked unanimous consent to withdraw his pending amendment found in the Journal on page 606 for the Thirty-eighth Day. No objections. So ordered.

The Waldron pending amendment found in the Journal on page 631 for the Thirty-ninth Day was adopted.

Mr. Waldron offered the following amendment which was adopted:

On page 2, line 26, strike the words "or contracting for collecting of a fee".

Mr. Epke offered the following amendment which was adopted:

1. On page 39, line 6, strike "1974" and insert "1975".

Bracketed until March 21, 1973 at the request of Mr. Duis.

LEGISLATIVE BILL 68A. Bracketed until March 21, 1973 at the request of Mr. Duis.

LEGISLATIVE BILL 86. Bracketed until March 21, 1973 at the request of Mr. Duis.

LEGISLATIVE BILL 25. Title read. Considered.

Mr. C. Carsten offered the following amendments which was adopted:

1. Insert a new section to read:

"Section 1. That section 48-115, Revised Statutes Supplement, 1972, be amended to read as follows:

48-115. The terms employee and workman are used interchangeably and have the same meaning throughout this act. The said terms include the plural and all ages and both sexes, and shall be construed to mean:

(1) Every person in the service of the state or of any governmental agency created by it including the Nebraska National Guard and members of the military forces of the State of Nebraska, under any appointment or contract of hire, expressed or implied, oral or written; Provided, that (a) for the purposes of this act, volunteer firemen of any fire department of any rural or suburban fire protection district, city or village, which fire department is regularly organized under the laws of the State of Nebraska, shall be deemed employees of such rural or suburban fire protection district, city or village while in the performance of their duties as members of such department, and shall be considered as having entered and as acting in the regular course of their employment when traveling from any place from which they have been called to active duty to a fire station or other place where firefighting equipment that their company or unit is to use is located or to any emergency that the volunteer firemen may be officially called to participate in; (b) members of such volunteer fire department, before they are entitled to benefits under this act, shall be recommended by the chief of the fire department for membership therein to the board of directors, the mayor and city commission, the mayor and council or the chairman and board of trustees, as the case may be, and upon confirmation, shall be deemed employees of the rural or suburban fire protection district, city or village; (c) members of such fire department after confirmation to membership may be removed by a majority vote of such board of directors, commission, council or board, and thereafter shall not be considered employees of such rural or suburban fire protection district, city or village; (d) firemen of any fire department of any rural or suburban fire protection

in the performance and within the scope of their duties in fighting fire or saving property or life outside of the corporate limits of their respective districts, cities or villages, but only if directed to do so by the chief of the fire department or some person authorized to act for such chief; (e) any members of the state Civil Defense Agency, any local organization for civil defense or civil defense mobile support unit, which state Civil Defense Agency, local organization for civil defense or civil defense mobile support unit is regularly organized under the laws of the State of Nebraska, shall be deemed employees of such state Civil Defense Agency, local organization for civil defense or civil defense mobile support unit while in the performance of their duties as members of such state Civil Defense Agency, local organization or mobile support unit; and (f) any person fulfilling conditions of probation pursuant to any order of ~~a juvenile or municipal~~ any court of this state who shall be working for a governmental body pursuant to any condition of probation shall be deemed an employee of such governmental body for the purposes of this act; and

(2) Every person in the service of an employer who is engaged in any trade, occupation, business, or profession as described in section 48-106, under any contract of hire, expressed or implied, oral or written, including aliens and also including minors, who for the purpose of making election of remedies under this act shall have the same power of contracting and electing as adult employees.

Every executive officer of a corporation elected or appointed under the provisions or authority of the charter, articles of incorporation or by-laws of such corporation shall be an employee of such corporation under the provisions of this act.

The said terms shall not be construed to include (a) any person whose employment is casual, and which is not in the usual course of the trade, business, profession or occupation of his employer; the term casual shall be construed to mean occasional, coming at certain times without regularity, in distinction from stated or regular; or (b) any person to whom articles and materials are given to be made up, cleaned, washed, finished, repaired or adapted for sale in the worker's own home or on other premises not under the control or management of the employer, unless the employee is required to perform the work at a place designated by the employer.".

2. Renumber original sections 1 and 2 as

sections 2 and 3.

3. On page 3, line 24, strike "section" and insert "sections 48-115 and"; and in line 25 strike "is" and insert "are".

Laid over at the request of Mr. Luedtke.

LEGISLATIVE BILL 185. Bracketed until March 22 at the request of Mr. Carpenter.

LEGISLATIVE BILL 235. Bracketed until March 22 at the request of Mr. Carpenter.

LEGISLATIVE BILL 404. Bracketed until March 22, at the request of Mr. Snyder.

STANDING COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 153. Indefinitely postponed.

LEGISLATIVE BILL 161. Indefinitely postponed.

LEGISLATIVE BILL 312. Placed on General File as amended.
Standing Committee amendment to LB 312:

1. On page 2, line 10 after "bank" insert "in a city of not less than ten thousand inhabitants"; in line 11 after "bank" insert "in a city of not less than ten thousand inhabitants".

LEGISLATIVE BILL 349. Placed on General File as amended.
Standing Committee amendments to LB 349:

1. On page 2, line 14 after "Lloyds" insert "type".
2. On page 5, line 4 strike "reasonable" and insert "unreasonable", and on line 6 strike "Knowingly filing" and insert "Filing" and on line 14 strike "Knowingly making" and insert "Making".
3. On page 15, after line 17 insert "or", in line 20 strike "; or" and insert a period and strike lines 21 and 22.
4. On page 19, after line 6 insert "or", line 8 strike "; or" and insert a period and strike lines 9 and 10.

LEGISLATIVE BILL 411. Placed on General File as amended.
Standing Committee amendments to LB 411:

1. On page 2, line 16, strike "regulation" and insert "administration".

2. On page 3, line 5 strike the comma and insert a period and strike the rest of the line; and strike lines 6 to 9; and on line 14 after "examination" insert "equal to or more than the insurance agent's examination requirement".

3. On page 5, strike lines 10 to 15 and insert "shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not more than five thousand dollars.".

LEGISLATIVE BILL 455. Placed on General File as amended Standing Committee amendment to LB 455:

On page 2, line 27 strike "eighty-one" and insert "forty-five".

(Signed) Fred W. Carstens, Chairman

SELECT COMMITTEE REPORT
Rules

1. Adopt Rule 5, Sec. 6(a), (b) & (c) as shown on page 497 of Journal for Thirty-third Day, February 20, 1973.

2. Reject motion that no one be excused on Fridays except for sickness shown on page 501 of Journal for Thirty-third Day, February 20, 1973.

3. Adopt Rule 6, Sec. 4 & 5 to read as follows:

"Sec. 4. Select File. When the Legislature considers bills on Select File, any of the following motions shall be in order.

(a) A motion to approve or reject any or all of the changes recommended by the Chairman of Enrollment and Review.

(b) A motion to adopt an amendment which shall require a majority of the elected members.

(c) A motion to recommit to the proper standing committee.

(d) A motion to recommit to General File for one or more amendments. If the motion to return is adopted the bill shall be considered first on General File. Any motion may be made the same as when the bill was first on General File. If the bill is readvanced, it shall be given priority consideration by E & R. If the bill is not altered, it may be advanced to E & R for engrossment.

(e) A motion to postpone indefinitely.

(f) Motions made pursuant to subsections b, c, d and e hereof may be adopted only upon the affirmative vote of a majority of the elected members.

(g) Amendments recommended by E & R shall not be read by the Clerk except upon the request of a member of the Legislature.

(h) Notwithstanding any other provision contained in this section, if the E & R Committee returns a bill to Select File from engrossment, then only the specific enrollment and review amendments may be considered.

The following votes shall be required to adopt the following motions affecting bills on Select File:

SELECT FILE

Motion to advance to E & R for Engrossing	MEM	
if machine vote requested	MEM	6-4d-30

Motion to act on E & R amendment	MTV	6-41-30
Motion to amend	MEM	6-4b-30
Motion to recommit to a Standing Committee	MEM	6-4d-30
Motion to return to General File for amendment	MEM	6-4d-30
Motion to Indefinitely Postpone	MEM	6-4e-31
On bill returned from E & R Engrossing & Final Reading		
Motion to return for specific amendment	MEM	6-5-31
Motion to adopt specific amendment	MEM	6-5-31

Sec. 5. Return to Select File. On a motion to return a bill to Select File for a specific amendment, a majority of the elected members must concur. No other amendment shall be considered when the bill is so returned. Such amendment when considered may be adopted by a majority of the elected members."

4. Adopt Rule 5, Sec. 13 to read as follows:

"Unless otherwise disposed of, all bills on which no final action has been taken by the time of adjournment sine die of the regular session in odd-numbered years shall be referred back to committee for consideration at the next regular session. Bills placed directly on General File shall be referred to committee by the Reference Committee.

5. Reject amendment to Rule 5, Sec. 13, offered by Sen. Maresh as shown on page 736 of Journal for Forty-fifth Day, March 8, 1973.

(Signed) Herbert J. Duis, Chairman

MOTION–Rule Change

Mr. Duis moved to amend Rule 6, Sec. 2 as follows:

(h) After a proponent of a motion has closed, no question may be asked except those pertaining to a point of order.

Referred to Rules Committee

MOTION–General File Bills

Mr. Barnett moved we take up the General File bills as they come in order on the board.

Mr. Carpenter moved to amend the motion to start with LB 336.

The Carpenter amendment was adopted.

The Barnett motion, as amended, prevailed with 27 ayes, 8 nays and 14 not voting.

GENERAL FILE

LEGISLATIVE BILL 336. Title read. Considered.

Mr. Duis moved to advance the bill to E & R for Review.

Mr. Stromer moved the previous question, the question is, "Shall the debate now cease?" The motion prevailed with 28 ayes, 0 nays and 21 not voting.

Advanced to E & R for Review with 33 ayes, 0 nays and 16 not voting.

LEGISLATIVE BILL 336A. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays and 20 not voting.

LEGISLATIVE BILL 448. Title read. Considered.

Mr. Barnett moved to suspend the Rules to withdraw LB 448.

Mr. Barnett asked unanimous consent to withdraw the motion to suspend the Rules.

Mr. Skarda objected.

Mr. Goodrich moved the previous question, the question is, "Shall the debate now cease?" The motion prevailed with 28 ayes, 2 nays and 19 not voting.

LB 448 was withdrawn with 32 ayes, 0 nays and 17 not voting.

LEGISLATIVE BILL 446. Title read. Considered.

Mr. Cavanaugh offered the following amendments which were adopted:

1. Insert a new section to read:

"Section 1. That section 43-233.01, Revised Statutes Supplement, 1972, be amended to read as follows:

43-233.01. In each county of this state having a population of fifty thousand and not more than two hundred thousand population in which a separate juvenile court has been established, there shall be one judge of the separate juvenile court, and in each county of this state having more than two hundred thousand population in which a separate juvenile court has been established, there shall be two judges of the separate juvenile court. In counties having two judges of the separate juvenile court, ~~the senior judge shall be the presiding judge~~ upon the swearing in of the second judge, the senior judge in point of serivce as a juvenile court judge shall be the presiding judge. The next year and thereafter the judges shall rotate the office of presiding judge annually unless the judges agree to another system.".

2. Renumber original sections 1 and 2 as sections 2 and 3

3. On page 2, strike the sentence beginning in line 4; in lines 13 and 14, strike ", including a court reporter when needed," showing the same as stricken; in line 15, insert "Each judge shall appoint his own court reporter and other necessary personal staff." after the period; in line 16, strike "~~the~~ such" and insert "the presiding"; in line 16, strike "his" and insert "~~his~~"; and in line 23, insert "presiding" before "judge".

4. On page 4, line 2, insert ", and section 43-233.01, Revised Statutes Supplement, 1972" after "1943".

Advanced to E & R for Review with 32 ayes, 0 nays and 17 not voting.

UNANIMOUS CONSENT—Bracket Bills

Mr. Carpenter asked unanimous consent to bracket LB 193, LB 342, LB 162, LB 162A on General File for March 19, 1973. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 228. Title read. Considered.

Standing Committee amendment found in the Journal on page 583 for the Thirty-seventh Day was adopted.

Mr. Luedtke offered the following amendments which were adopted:

1. Insert a new section to read:

"Sec. 2. This act shall become operative on July 1, 1973.".

2. Renumber original section 2 as section 3.

3. Add a new section to read:

"Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

4. In the title, line 7, strike "and" and insert "to provide an operative date;"; and in line 8 insert "; and to declare an emergency" after "section".

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 228A. Title read. Considered.

Mr. Luedtke offered the following amendments which were adopted:

1. On page 2, line 6, strike "thousand".
2. In the title, line 8, strike "thousand".

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 360. Title read. Considered.

Standing Committee amendment found in the Journal on page 584 for the Thirty-seventh Day was adopted.

Mr. Warner offered the following amendment which was adopted:
Add the Emergency Clause.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

MOTION—Introduce Bill

Mr. Schmit moved the introduction of a new bill by the Committee on Agriculture and Environment (Request No. 794). The motion prevailed with 30 ayes, 0 nays and 19 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 538. By the Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Kime 43rd District; C. Carsten, 2nd District; Maresh, 32nd District; Kennedy, 21st District.

A BILL FOR AN ACT to amend sections 81-1502, 81-1505, and 81-1508, Revised Statutes Supplement, 1972, relating to environmental control; to provide definitions; to provide powers for the Environmental Control Council; to provide penalties; to repeal the original sections; and to declare an emergency.

STANDING COMMITTEE REPORTS
Constitutional Revision and Recreation

LEGISLATIVE BILL 323. Indefinitely postponed.

LEGISLATIVE BILL 389. Placed on General File as amended.
Standing Committee amendment to LB 389:
1. On page 2, line 1 strike "~~general~~" and insert "primary" and in line 2 strike "~~November~~" and insert "May".

(Signed) George Syas, Chairman

GENERAL FILE

LEGISLATIVE BILL 380. Title read. Considered.

Standing Committee amendment found in the Journal on page 584 for the Thirty-seventh Day was adopted.

Advanced to E & R for Review with 29 ayes, 0 nays and 20 not voting.

MESSAGE FROM THE GOVERNOR

March 15, 1973

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 46, 241, and 243, and Reengrossed Legislative Bill No. 138.

These bills were signed by me on March 15, 1973 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

SPEAKER PROUD PRESIDING

GENERAL FILE

LEGISLATIVE BILL 177. Title read. Considered.

Mr. Carpenter offered the following amendment which was adopted:

Amend LB 177 as follows:

On page 2, strike all the language in Section 1 and Section 2, lines 1 through 19, and insert the following:

Section 1. Any person, firm or corporation doing business in this state shall keep and maintain those margins alongside their tracks, where such railroad employees are required to walk in the course of their duties, reasonably free from derbis and vegetation which affects the safety of such employees while working.

Section 2. The Public Service Commission of Nebraska shall be empowered to enforce this act and prosecute any violation thereof.

Advanced to E & R for Review with 25 ayes, 2 nays and 22 not voting.

LEGISLATIVE BILL 230. Laid over at the request of Mr. Hasebroock.

LEGISLATIVE BILL 364. Mr. Carpenter asked unanimous consent to have the following amendment to LB 364 printed in the Journal and the bill laid over. No objections. So ordered.

Section 1. That section 70-631, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

70-631. Any district organized hereunder shall have the power to borrow money and incur indebtedness for any corporate use or purpose upon such terms and in such manner as such district shall determine. Any and every indebtedness, liability or obligation of such district for the payment of money, in whatever manner entered into or incurred, and whether arising from contract, implied contract, or otherwise, shall be payable solely (1) from revenue, income, receipts and profits derived by the district from its operation and management of power plants, systems, irrigation works, and from the exercise of its rights and powers with respect to utilization of radioactive material or the energy therefrom, or (2) from the issuance or sale by the district of its warrants, notes, debentures, bonds or other evidences of indebtedness, payable solely from such revenue, income, receipts and profits, or from the proceeds and avails of the sale of property of the district. Any such district may pledge and put up as collateral security for a loan any revenue debentures, notes, warrants, bonds or other evidences of indebtedness, issued by it. The district shall annually establish rates to pay the interest on any indebtedness. If the district proposes to amortize its indebtedness, rates shall be established to accomplish such purpose. The rates shall be established by July 1, 1973. When the rates are established, they shall be submitted by the district to the Nebraska Power Review Board for its review. If the board finds that a district is pursuing ratemaking policies which are not adequate to service its interests and debt requirements, it shall publicly report its findings to the next session of the Legislature. In carrying out its functions under this section, the board shall have all of the authority and powers granted it by the provisions of section 70-1019.

Sec. 2. That original section 70-631, Reissue Revised Statutes of Nebraska, 1943, is repealed.

Amendment pending.

LEGISLATIVE BILL 417. Title read. Considered.

Standing Committee amendments found in the Journal on page 585 for the Thirty-seventh Day were adopted.

Advanced to E & R for Review with 30 ayes, 0 nays and 19 not voting.

PRESIDENT MARSH PRESIDING

MOTION–Withdraw LB 278

Mr. C. Carsten renewed his pending motion found in the Journal on page 820 for the Forty-ninth Day to withdraw LB 278. The motion prevailed with 26 ayes, 0 nays and 23 not voting.

REFERENCE COMMITTEE REPORT

LB	Committee
LR 21	Miscellaneous Subjects
537	Agriculture and Environment
538	Agriculture and Environment

(Signed) Terry Carpenter, Chairman
Executive Board

NOTICE OF COMMITTEE HEARINGS
Agriculture and Environment

LB 537	Friday, March 23, 1973	2:00 p.m.
LB 538	Friday, March 23, 1973	2:00 p.m.

(Signed) Loran Schmit, Chairman

GENERAL FILE

LEGISLATIVE BILL 248. Title read. Considered.

Mr. Goodrich offered the following amendments which were adopted:

1. On page 4, strike lines 25 and 26 and insert "Technical Community College Director, academic, administrative, professional, and managerial personnel; and".
2. On page 7, line 7, and page 8, lines 5 and 6, strike "faculty and other" and insert "academic, administrative, professional, and managerial".

Advanced to E & R for Review with 28 ayes, 3 nays and 18 not voting.

LEGISLATIVE BILL 355. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 395. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 500. Indefinitely postponed.

LEGISLATIVE BILL 363. Placed on General File.

LEGISALTIVE BILL 501. Placed on General File.

LEGISLATIVE BILL 504. Placed on General File.

(Signed) Roland A. Luedtke, Chairman

VISITORS

President Marsh introduced Mrs. Frank Lewis and daughters, Trudy and Terry.

President Marsh introduced 25 5th and 6th Grade students from Arlington Public School, Arlington and teachers Mesdames Arp, Workman, Nielson, Chappelear and Mr. Roger Randall.

President Marsh introduced 29 Boy Scouts from Troop 464, Offutt AFB, Bellevue, Messrs. Charles Tullis, and James Marshall, leaders and 5 adults.

President Marsh introduced Mark Kremer, grandson of Senator Kremer.

President Marsh introduced former Senator Bill Diers from Gresham.

President Marsh introduced 11 members of the Elkhorn View Extension Club from Hooper, Mrs. Kenneth Nelson, President and Mrs. William Liston, Vice-President.

ADJOURNMENT

Speaker Proud moved to adjourn until 10:00 a.m., Monday, March 19, 1973.

Mr. Carpenter moved to amend the motion to 9:00 a.m. The amendment lost with 14 ayes, 15 nays and 20 not voting.

The Proud motion prevailed. The Legislature adjourned at 12:00 Noon until 10:00 a.m., Monday, March 19, 1973.

Vincent D. Brown
Clerk of the Legislature

FIFTY-FIRST DAY—MARCH 19, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

FIFTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 19, 1973

Pursuant to adjourment, the Legislature met at 10:00 a.m., President Marsh presiding.

PRAYER

The prayer was offered by the Chaplain.

> Father of all mankind, Who has given us the commandment to love one another—give us also, we ask, the grace to fulfill it. Make us to be courteous, patient, forbearing. So direct our lives that we may look each to the good of the other, and together, to the good of all. May nothing this day obstruct the blessings of love from flowing through us here, to the benefit of many far beyond these hallowed chambers, O Lord our God. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Kime who was excused; Mr. Warner who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

Page 835, line 27, insert "Referred to the Rules Committee."
The Journal for the Fiftieth Day was approved as corrected.

MESSAGE FROM THE GOVERNOR

March 15, 1973

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 210 and 234.

These bills were signed by me on March 15, 1973 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

COMMUNICATIONS

March 16, 1973

Mr. Vincent D. Brown
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. Brown:

Shortly after I mailed my letter of March 14 to you, I received a reply from the Environmental Protection Agency on the same subject.

Because of its significance, I know you will want this additional information and thus I am enclosing a copy of the letter dated March 12 and signed by Mr. John R. Quarles, Jr., Assistant Administrator for Enforcement and General Counsel, Environmental Protection Agency.

With every good wish, I am

Sincerely yours,

(Signed) CARL T. CURTIS, USS

CTC:smf
Enc.

March 12, 1973

Honorable Carl T. Curtis
United States Senate
Washington, D. C. 20510

Dear Senator Curtis:

Thank you for sending us a copy of the comments you made to the Office of Management and Budget regarding the proposed forms and guidelines for the National Pollutant Discharge Elimination System

(NPDES) as it applies to agriculture.

With regard to the Nebraska State Legislature's Resolution 6, I would first like to explain that the NPDES will not apply to "all classes" of agricultural prooducers. The definition of "point source" has been widely misinterpreted, however we intend to clarify this matter by reproposing agricultural discharge regulations which clearly indicate that general growing and farming operations are not included in the permit program. We expect that the program's agricultural coverage will be generally limited to the larger irrigation and confined animal feeding operations, and commercial fish production facilities having a continuous discharge. Further, the new proposal, which should be ready for publication in the Federal Register by early March, will include a revised permit application form which does not request data on fertilizers or pesticides.

I will be happy to send you a copy of the Federal Register as soon after publication as it is available. In the meantime, I hope I have adequately explained our present thinking.

Sincerely yours,

(Signed) John R. Quarles, Jr.
Assistant Administrator for
Enforcement and General Counsel

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on March 19, 1973 at 9:15 a.m. the following: LB 102, LB 112, LB 112A, LB 167 and LB 273.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 43. Placed on Select File as amended.
E & R amendment to LB 43:

1. In the title, line 3, strike "nonresident" and strike lines 4 and 5 and insert "schools; to provide for the cost of educating certain wards of the state or any court;".

LEGISLATIVE BILL 452. Placed on Select File as amended.
E & R amendments to LB 452:
(Note: All amendments except No. 49 refer to standing committee amendments.)

1. In lieu of the Fellman amendments, on page 39, line 22 strike "director" and insert "Governor"; in lines 22 and 23 strike "within the purchasing division,"; and strike line 24 and insert "(1) The State Building Manager shall".

2. On page 1, insert "such" at the end of line 17.

3. On page 2, line 15, insert an underscored comma after "activity"; and in line 22 strike "system" and insert "period,".

4. On page 3, insert an underscored comma at the end of line 18; and in lines 26 and 27 strike "those accounts" and insert "an account".

5. On page 4, line 2, strike "revenue".

6. On page 5, lines 6 and 7, strike "or structures of" and insert ", structures, or"; and in line 24 strike "requests" and insert "request".

7. On page 6, line 3, strike "which" and insert "as"; insert "and" at the end of line 14; in line 17 insert an underscored comma after "receipts"; in line 22 strike "these" and insert "such"; in line 25 strike "; and" and insert and underscored period; and strike lines 26 and 27 and line 1 on page 7.

8. On page 8, lines 26 and 27, strike "the director" and insert "him".

9. On page 9, lines 18 and 20 strike "building".

10. On page 10, line 26, strike the second comma.

11. On page 11, line 5, strike the comma; in line 17 strike the comma and insert "and"; in line 18, strike "law" and insert "laws"; and in line 23 insert an underscored comma after "use".

12. On page 12, insert an underscored comma after "commission" in line 1 and "university" in line 4.

13. On page 14, insert an underscored comma at the end of line 3; and in line 25 strike "staff" and insert "staffs".

14. On page 15, line 3, strike "these" and insert "such"; insert an underscored comma after "summaries" in line 1, "powers" in line 6, "equipment" in line 7, and "offices" in line 20; and in line 21 strike the comma.

15. On page 16, insert an underscored comma after "institution" in lines 1 and 3 and after "institutions" in line 10; in line 4 strike "coming" and insert "next"; strike lines 13 and 14 and insert "than October 15 of each year. He shall also file with the"; in line 23 strike the first "shall" and insert "to"; and strike the second "the" in line 24, line 25, and "session" in line 26 and insert "each year".

16. On page 17, line 2, strike "on or before September 16 of the" and insert "September 15 of each"; strike line 3 and "Legislature" in line 4 and insert "year"; and insert an underscored comma after "subprogram" in line 10.

17. On page 18, lines 10 and 16 strike "shall" and insert "to"; and in line 14 insert an underscored comma after "state".

18. On page 20, line 19, insert an underscored comma after "architect"; and in line 27 strike "where" and insert "when".

19. On page 21, line 3, strike the first comma; in line 18 strike "such department shall submit" and insert "the agency submits"; in line 22 strike "purpose" and insert "activity"; and in line 23 insert an underscored comma after "board".

20. On page 22, insert an underscored comma after "offices" in line 11 and "lower" in line 25; in line 12 strike the semicolon and insert an underscored comma; and in line 27 strike the comma.

21. On page 23, line 2, strike "and" and insert an underscored comma; strike lines 10 and 11 and insert "each year."; and insert an underscored comma after "Legislature" in line 13 and after "budget" in line 15.

22. On page 24, line 3, insert an underscored comma after "director".

23. On page 25, insert an underscored comma after "department" in line 8; and strike line 25 and insert "its budget request;".

24. On page 26, line 2, strike "these" and insert "such"; in line 3 strike "division" and insert "agency"; and in line 5 insert an underscored comma after "hours".

25. On page 27, strike line 5 and insert:
"(10) He may, upon".

26. On page 28, line 9, insert an underscored comma after "state".

27. On page 30, insert an underscored comma after "state" in line 8, "corporation" in line 12, "agent" in line 13, and "interested" in line 26; and strike the second comma in line 13.

28. On page 31, insert an underscored comma after "agent" in line 2, "apply" in line 21, and "fitness" in line 25; and in line 27, strike the comma and insert "to".

29. On page 32, insert an underscored comma after "powers" in line 9, "material" in line 12, and "reproduction" in lines 23 and 27.

30. On page 33, insert an underscored comma after "state" in line 1, "court" in lines 16 and 17, and "equipment" in line 24; and in line 10 strike the comma and insert "and".

31. On page 34, strike the comma in lines 3 and 27; in line 19 strike "such" and insert "any"; and in line 22 insert an underscored comma after "form".

32. On page 36, insert an underscored comma after "capacity" in line 1 and "experience" in line 4; and in line 23 strike "where" and insert "when".

33. On page 37, strike the second comma in line 2, the comma in line 3, and both commas in line 14; in line 8 insert an underscored comma after "article"; in line 11 strike the semicolon; in line 12 strike "issue" and insert "issuance"; in lines 15 and 16 strike "such agent with"; and in lines 21 and 22 and line 26 strike "of the Department of Governmental Services".

34. On page 38, line 1, strike "he" and insert "it"; in lines 6 and 7 and lines 16 and 17 strike "of the Department of Governmental Services"; strike the comma in line 19; and insert an underscored comma after "funds" in line 20.

35. On page 39, line 4, strike "purchasing division" and insert "Purchasing Agent"; in line 7 strike the first comma and insert "for the State" after "articles"; insert an underscored comma after "corporation" in line 8, "accept" in line 9, "indirectly" and "firm" in line 10, "gift" in line 12, and "obligation" in line 14; and strike the first comma in line 16.

36. On page 40, lines 2 and 12, strike "director" and insert "Governor"; in line 23 insert an underscored comma after "that"; and strike the comma in line 27.

37. On page 42, line 12, strike "director" and insert "Governor".

38. On page 43, line 6, strike "director" and insert "Governor"; in line 10 insert an underscored comma after "remodeling"; in line 22 strike ", custodial" and insert ", and custodial services"; and strike line 25 and insert "buildings and grounds.".

39. On page 44, line 3, insert ", which" after "agencies"; and insert an underscored comma after "partitioning" in line 7 and "fixtures" in line 9.

40. On page 45, line 1, strike "and"; in line 17 insert an underscored comma after "timely"; and in lines 21 and 22 strike "bearing such signature".

41. On page 46, strike line 9 and insert "the amount so paid by drawing a warrant"; in line 15 strike the comma; in line 16 insert an underscored comma after "agencies"; in line 25 strike "Where" and insert "When"; and in line 27 strike "in behalf" and insert "the result".

42. On page 47, line 17, insert "his" after "in"; and in line 18 strike "of the person entitled thereto".

43. On page 48 strike lines 1 to 3 and through the period in line 4 and insert "act from the salary of any person upon the termination of his employment or receipt from him of

written notice of cancellation of the authorization."; in line 4 insert "or notice" after "termination"; in line 5 strike "allotted" and insert "withheld"; in line 7 strike "or compensation"; in line 15 strike "must" and insert "shall"; and in line 20 strike the comma.

44. On page 49, strike the comma in lines 7 and 14; strike lines 17 to 22; and in line 26 strike "Director" and insert "Department".

45. Renumber original sections 57 to 67 as sections 56 to 66.

46. On page 50, lines 3 and 4, and page 52, lines 6 and 7, strike ", they shall after July 1, 1973" and insert "they shall, after June 30, 1973,".

47. On page 60, line 3, strike "organizational subunit within" and show as stricken, and insert "budget division of".

48. On page 1, line 4, page 2, line 1, page 8, line 6, page 21, line 12, page 49, line 23, page 50, line 5, and page 52, lines 9 and 24, insert "sections 1 to 59 of" before "this".

49. Add a new section to read:

"Sec. 67. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

50. In the title, strike lines 2 to 16 and insert:

"FOR AN ACT to create the Department of Governmental Services as prescribed; to eliminate the Department of Administrative Services; to establish the position of State Building Manager as prescribed; to provide penalties; to provide for transfer; to amend sections 81-101, 81-102, 81-912, 81-1302, and 81-1423, Reissue Revised Statutes of Nebraska, 1943; to provide an operative date; to repeal the original sections, and also sections 11-101.04, 72-706, 72-709, 81-125, 81-129, 81-132 to 81-138, 81-145 to 81-148, 81-149 to 81-151, 81-153, 81-154, 81-156, 81-159, 81-161 to 81-162, 81-163.01 to 81-169, and 81-171, Reissue Revised Statutes of Nebraska, 1943, section 81-161.04, Revised Statutes Supplement, 1972, and Chapter 81, articles 10 and 11, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto; and to declare an emergency.".

(Signed) John J. Cavanaugh, Chairman

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 194. Mr. Barnett moved to return LB 194 to Select File for the following specific amendment:

Strike the enacting clause.

The motion lost with 11 ayes, 26 nays and 12 not voting.

A BILL FOR AN ACT relating to the Environmental Protection Act; to provide that any political subdivision which regulates air pollution shall do so only within the limits of such subdivision.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 31:

Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Clark
Dickinson
Duis
Epke
Fellman
Goodrich
Kelly
Kennedy
Keyes
R. Lewis
Mahoney
Maresh
Marvel
Moylan
Murphy
Nore
Proud
Rasmussen
Richendifer
Savage
Schmit
Skarda
Snyder
Syas
Waldron
Wiltse

Voting in the negative, 12:

Anderson
Barnett
Fowler
Hasebroock
Kremer
F. Lewis
Luedtke
Marsh
Simpson
Stromer
Stull
Whitney

Not voting, 6:

Chambers
DeCamp
Johnson
Kime
Stahmer
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT—Unbracket LB 206

Mr. Kennedy asked unanimous consent to unbracket LB 206 on Final Reading. No objections. So ordered.

MOTION—Return LB 206 to Select File

Mr. Kennedy moved to return LB 206 to Select File for the following specific amendments:

Page 5, line 25, after "construction" strike "or" and insert "," and after "improvements" insert "or operation and maintenance"

Page 6, line 3, strike "." and insert "and any other costs related to such project may also be recovered by similar assessments."

Page 6, line 6, after "paid" insert "." and strike "in such manner that the district recovers the reimbursable cost of all such projects."

Page 6, line 14, after "section" insert "and as determined by the board of directors"

Page 6, line 9, after "of" insert "revenue producing"

Page 7, line 19, after "project" insert "." and strike the remainder of the sentence.

Page 7, line 27, after "a" insert "revenue producing"

Page 8, line 9, after "shall" strike "cause due notice to be given of" and insert "hold"

Page 8, line 18, strike "notice" and insert "hearing"; strike "given" and insert "held"; strike "ninety" and insert "one hundred twenty"

Page 9, line 8, after "plans" insert "and cost estimates"

Page 9, line 17, after "of" insert "revenue producing"

Page 10, line 15, after "shall" insert ", within any limits otherwise prescribed by law,"

Page 10, line 20, after "units" insert "within any limits otherwise prescribed by law,"

Page 11, line 21, after "of" insert "revenue producing"

Page 12, line 24, insert new sentence as follows: "The board of directors shall include in such report a statement of the actual expenses incurred by the district to that time which relate to the proposed project and the actual cost per benefit unit thereof."

Page 13, line 1, strike "copy of the apportionment so far as the lands or lots are concerned and a statement of the toal number of units of benefit in the district" and insert "notice that the report required in this subsection has been filed"

Page 13, line 4, strike "parties" and insert "each party"

Page 13, line 5, after "apportionment" insert ", which notice shall include the description of the lands in which each party notified appears to have such interest, the units of benefit assigned to such lands, the amount of actual costs assessable to date to such lands and the estimated total costs of the project assessable to such lands upon completion thereof,"

Page 13, line 10, strike "the apportionment" and insert "such notice"

Page 13, line 12, after "suspended" strike "and" and insert ","

Page 13, line 13, strike "." and insert "and all expenses relating to such project incurred by and accrued to the district may, at the direction of the board of directors, be assessed upon the lands which were to have been benefited by the completion of such project in accordance with the apportionment of benefits determined and procedures established in this section."

Page 13, line 23, after "." insert "The board of directors shall also, from time to time as it deems necessary, order an additional assessment upon the lands and property benefited by the project, using the original apportionment of benefits as a basis to ascertain the assessment to each tract of land benefited, to carry out a reasonable program of operation and maintenance upon the construction or capital improvements involved in such project."

The motion prevailed with 41 ayes, 0 nays and 8 not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 232.

A BILL FOR AN ACT for submission to the electors of an amendment to Article III, section 7, of the Constitution of Nebraska, relating to the Legislature; to permit an increase in the salary of members of the Legislature as prescribed; to provide for the submission of the proposed amendment to the electors at the primary election in May, 1974; to provide for the manner of submission and form of ballot; and to provide the effective date thereof.

Be it enacted by the people of the State of Nebraska,

Section 1. That at the primary election in May, 1974, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, section 7, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 7. At the general election to be held in November, 1964, one half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years, and the remainder for a term of two years, and thereafter all members shall be elected for a term of four years, with the manner of such election to be determined by the Legislature; Provided, that when the Legislature is redistricted the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term. Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he is affiliated with or endorsed by any political party or organization. Each member of the Legislature shall receive a salary of not to exceed six hundred seventy-five dollars per month during the term of his office. In addition to his salary, each member shall receive an amount equal to his actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than said salary and expenses, and employees of the Legislature shall receive no compensation other then their salary or per diem."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

> "Constitutional amendment to provide that members of the Legislature shall receive a salary of not to exceed six hundred seventy-five dollars a month.

For
Against"

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Mr. Syas moved for a Call of the House. The motion prevailed with 44 ayes, 0 nays and 5 not voting.

Mr. Syas moved the Call be raised. The motion prevailed with 37 ayes, 0 nays and 12 not voting.

Voting in the affirmative, 42:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
Clark
Dickinson
Duis
Epke
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Keyes
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Nore
Proud
Rasmussen
Savage
Schmit
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Whitney

Voting in the negative, 5:

DeCamp
Kelly
Kennedy
Richendifer
Wiltse

Not voting, 2:

Kime
Warner

A constitutional four-fifths majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION—Reconsider Action on LB 231

Mr. Barnett moved to reconsider action on LB 231 on Final Reading.

The Chair ruled the motion out of order by reason of being out of time.

MOTION–Suspend Rules

Mr. Barnett moved to suspend the rules to reconsider action on Final Reading of LB 231. The motion lost with 25 ayes, 19 nays and 5 not voting.

COMMUNICATION

Acknowledged receipt of Joint Resolution from the State of Maine relative to abortion. Resolution is on file in the Clerk's office.

ANNOUNCEMENTS

Mr. Chambers announced the Government, Military and Veterans' Affairs Committee would have an Executive Session on March 19, 1973 at 12:15 p.m. in the East Lounge Hearing Room (Room 2230).

Mr. Luedkte announced the Judiciary Committee will meet in Executive Session on March 20, 1973 in the Legislative Council Hearing Room at 2:00 p.m.

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 226. Placed on General File as amended. (Amendments printed and on file in the Clerk's Office.)

(Signed) Roland Luedtke, Chairman

Constitutional Revision and Recreation

LEGISLATIVE BILL 374. Placed on General File as amended. Standing Committee amendments to LB 374:

1. On page 2, insert "proposed" at the end of line 3; in line 5, insert "as provided in section 39-1390, Revised Statutes Supplement, 1972" after the second "roads"; and at the end of line 17, insert "The commission shall also, at the time it files such plans and extensions thereof, report the construction and improvements certified during each of the two immediately preceding calendar years.".

2. Add a new section to read:

"Sec. 2. The Department of Roads shall develop and file with the Governor and the Legislature a one-year and a long-range five-year plan of scheduled design, construction, and improvement for all exterior access roads and interior service roads as certified to it by the Game and Parks Commission. The first such plans shall be filed on or before January 1, 1974. The plans shall be reviewed and extended annually, on or before January 1 of each year, so that there shall always be a current one-year and five-year plan on file. The department shall also, at the time it files such plans and extensions thereof, report the design, construction, and improvement accomplished during each of the two immediately preceding calendar years.".

(Signed) George Syas, Chairman

Government, Military and Veterans' Affairs

LEGISLATIVE BILL 220. Placed on General File.

(Signed) Ernie Chambers, Chairman

MOTION—Introduce Bill

Mr. Clark moved the introduction of a new bill by the Committee on Appropriations (Request No. 758). The motion prevailed with 32 ayes, 1 nay and 16 not voting.

MOTION—Suspend Rules

Mr. Carpenter moved to suspend the rules for the introduction of two new bills by the Committee on Miscellaneous Subjects (Request Nos. 838 and 842). The motion prevailed with 35 ayes, 0 nays and 14 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 539. By Appropriations Committee: Nore, 22nd District; Savage, 10th District; Simpson, 46th District; Whitney, 44th District; Marsh, 29th District; Clark, 47th District; Johnson, 15th District; Stahmer, 8th District.

A BILL FOR AN ACT relating to educational service units; to provide a Commission on Educational Service Units; to provide duties; to provide a coordinator; to provide funding; to amend sections 79-2202, 79-2203, 79-2210, and 79-2213, Reissue Revised Statutes of Nebraska, 1943, and section 79-2210.01, Revised Statutes Supplement, 1972; to repeal the original sections, and also section 79-2204.01, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 540. By Miscellaneous Subjects Committee: Carpenter, 48th District; Skarda, 7th District; Waldron, 42nd District; Mahoney, 5th District; Luedtke, 28th District.

A BILL FOR AN ACT to amend sections 19-3311, 19-3315, and 19-3316, Reissue Revised Statutes of Nebraska, 1943, and sections 19-3314 and 19-3317, Revised Statutes Supplement, 1972, relating to the Off-Street Parking District Act; to provide for a public hearing; to provide for special assessments as prescribed; to provide for acquiring additional facilities; and to repeal the original sections.

LEGISLATIVE BILL 541. By Miscellaneous Subjects Committee: Carpenter, 48th District; Skarda, 7th District; Waldron, 42nd District; Mahoney, 5th District; Luedtke, 28th District.

A BILL FOR AN ACT to amend section 16-622, Revised Statutes Supplement, 1972, relating to cities of the first class; to change the manner in which special assessments become delinquent; and to repeal the original section.

SELECT FILE

LEGISLATIVE BILL 206. The Kennedy specific amendments found in today's Journal were adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Re-engrossment.

UNANIMOUS CONSENT–Committee Hearings

Speaker Proud asked unanimous consent that the Committee Chairmen set all hearings from hereon at 1 p.m., unless in the judgment of the Committee it should be set at another time. No objections. So ordered.

MOTION–Rule Changes

Mr. Duis offered the following Rule change:
To amend Rule 6, Sec. 2 as follows:

(h) After a proponent of a motion has closed, no question may be asked except those pertaining to a point of order.

Referred to the Rules Committee.

Messrs. Stromer and Mahoney offered the following Rule change:
Amendment to Rule 2, Sec. 3(b) & (c) as follows:

(b) No person shall be admitted to the floor of the Legislature, as described in this rule, except the following:

(i) Members of the Legislature and their immediate families.
(ii) Officers and employees of the Legislature.
(iii) Reporters of regularly accredited newspapers and broadcasting stations who shall have access to their assigned desks only.
(iv) The Governor or one liaison person for consultation who shall have access to roped area under north or south balcony.

(c) ~~The Governor,~~ state officers, former legislators and other distinguished visitors may be admitted to the floor upon permission from the chair.

Referred to the Rules Committee.

Mr. Duis offered the following Rule change:
To amend Rule 2, Sec. 3(f) as follows:

(f) No printed or written material of any nature may be placed on the desks of the members unless approved by a Senator. ~~or distributed to them in the Legislative Chamber, unless such material clearly indicated on its face the person responsible for its distribution. The distribution must be approved by at least one member of the Legislature. The Speaker may authorize the Clerk to distribute material prepared by state agencies.~~ Material with a complete return address may be delivered to the Clerk for distribution through the Senate Post Office.

Referred to the Rules Committee.

NOTICE OF COMMITTEE HEARING
Rules

Wednesday, March 21, 1973 at 1:30 p.m., Legislative Council Hearing Room, Rm. 2102

Rule 6, Sec. 2 (p. 357) – Sen. Warner (Failure to advance off G. F.)

Rule 5, Sec. 5 (p. 580) – Sen. Stull (Introduction of bills to repeal obsolete statutes)

Rule 6, sec. 6 (p. 759) – Sen. Warner (Certification of correctness of bills)

Rule 2, sec. 3(b) & (c) – Sen. Stromer (Access to Legislative Chamber)

Rule 6, Sec. 2 – Sen. Duis (Question after motion closed)

Rule 2, Sec. 3(f) – Sen. Duis (Distribution of printed/written material)

(Signed) Herbert J. Duis, Chairman

UNANIMOUS CONSENT–General File Bills

Mr. Carpenter asked unanimous consent to discuss LB 193 and LB 342 on General File at one time. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 193. Title read. Considered.

Laid over.

LEGISLATIVE BILL 342. Title read. Considered.

Laid over.

ANNOUNCEMENT

Mr. Whitney announced that there would be an Executive Session of the Committee on Committees at 12:45 p.m., Wednesday, March 21.

VISITORS

President Marsh introduced 23 Tenth through Twelfth Grade students from West Point Public School, West Point and their teacher Mrs. Letitia M. Munson.

President Marsh introduced 59 Junior High students from Crete Junior High School, Crete and their teacher Mr. John Clabaugh.

President Marsh introduced Mr. Willard M. Wilson, Titusville, Florida, formerly of Holdrege, Nebraska, who represented the 36th District in 1949.

President Marsh introduced four Sophomore and Junior students from Central Catholic High School, Grand Island and their teacher, Mrs. Kayl.

President Marsh introduced 14 Sophomore and Junior students and 3 adults from Republican City and teacher Mrs. Joann Gibbons.

ADJOURNMENT

At 11:57 a.m., on a motion by Mr. C. Carsten, the Legislature adjourned until 9:00 a.m., Tuesday, March 20, 1973.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

FIFTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 20, 1973

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Marsh presiding.

PRAYER

The prayer was offered by the Chaplain.

> O Lord our God: even as we dash madly to meet our deadlines, remind us that all of life is a solemn trust – that no part of life is without significance – that every moment has its very special meaning. Help us to understand that because we represent others here, we are stewards for them both of time and of life. May we count ourselves successful stewards not in what we are able to keep for ourselves of life's blessings, but in what we succeed in making more available to others. This is the way the Master went; should not the servant tread it still! Amen.

ROLL CALL

The roll was called and all members were present.

CORRECTIONS FOR THE JOURNAL

Page 858, line 5, show "who shall have access to their assigned desks only." as underscored.

The Journal for the Fifty-first Day was approved as corrected.

ANNOUNCEMENT

Speaker Proud announced that on Wednesday, March 28, 1973 the Regional Team from the Federal Government representing different departments will be here on Revenue Sharing to meet with the Legislature from 11:00 to 11:30.

MESSAGES FROM THE GOVERNOR

March 19, 1973

Mr. President, Mr. Speaker,
and Members of the Legislature
State House
Lincoln, Nebraska

Dear Mr. President and Senators:

I return herewith LB 13 and LB 13A without my signature and with my objections.

These acts, authorizing an additional $216,000 expenditure of funds, are unnecessary and ignore the most adequate expenditures in this field in my budget, totaling an additional $284,037 already submitted to the Legislature in my budget message which is under consideration by the Appropriations Committee with later review by the entire Legislature.

The promiscuous and ever increasing tendency to spend huge sums of tax dollars through "A" bills should be kept within due bounds. If this trend is allowed to proceed without reasonable curtailment, the Legislature is, in effect, bypassing the customary and more thoughtful procedure of careful study and review by your Appropriations Committee of expenditures and their efforts to establish priorities within the framework of existing revenues.

I recognize that it takes courage to act and vote against every "do-gooder" piece of legislation that someone dreams up. Unfortunately, there is an old convienent political axiom that cautions against voting "no" on bills cloaked in the garb of "motherhood." I am for mothers and against the illicit drug pushers, but I suggest that such criteria is no sound reason to accept LB 13 or LB 13A, and I enlist your courageous support accordingly.

While illegal drugs remain a tremendous problem in our entire society and in Nebraska, we should recognize that we are already acting responsibly.

With your help, we have drastically expanded our efforts in drug enforcement.

We added six investigators in 1971, ten more in 1972, and I have recommended eight more this year, including six investigators, one chemist and one criminologist.

We are able to employ Federal Crime Commission funds for such needed personnel as I have outlined. This is not possible, as I hope Senator Schmit will explain, if you enact these measures, despite his attempts to secure such financing.

If your honorable body will agree with me that LB 13 and LB 13A are not necessary and adopt my proposals, we will enjoy a total force available in the drug criminal area in the State Patrol of 28, including a criminologist and a chemist, in addition to the three attorneys you approved over my veto.

In addition to the 28 man force that I have mentioned primarily totally committed to drug investigation, we have an additional force of general criminal investigators, if my recommendations are followed, of 20 which could be employed also as needed at the direction of the Governor through the Patrol Chief.

This is sufficient to do the job for the present, and we can be assured of an aggressive and sound state commitment in this vital area.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:fw

March 20, 1973

Mr. President, Mr. Speaker,
and Members of the Legislature
State House
Lincoln, Nebraska

Dear Mr. President and Senators:

I return herewith LB 453 without my signature and with my objections.

LB 453 is a further step in the wrong direction because it abrogates the people's right to vote on issues that under existing law is reserved exclusively to them.

It is my understanding that this legislation was introduced to correct a situation for only one community.

However, I would call your attention to the fact that in so doing, you have passed a law that could and undoubtedly would have a far-reaching impact clear across the state in regard to increased local budgets and taxation.

I believe that the matter of authorizing purchase and construction of local facilities should be left in the hands of the voters under present statutes.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

REFERENCE COMMITTEE REPORT

LB	**Committee**
539	Public Health & Welfare
540	Miscellaneous Subjects
541	Miscellaneous Subjects

(Signed) Terry Carpenter, Chairman
Executive Board

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 336. Placed on Select File.

LEGISLATIVE BILL 336A. Placed on Select File.

LEGISLATIVE BILL 446. Placed on Select File as amended.
E & R amendments to LB 446:

1. On page 2, strike the sentence beginning in line 7.
2. On page 3, line 2, strike "is" and insert "are".
3. In the title, line 3, insert ", and section 42-233.01, Revised Statutes Supplement, 1972" after "1943"; in line 5 insert "and court personnel and the fixing of salaries" after "judges"; and in line 6 strike "section" and insert "sections".

LEGISLATIVE BILL 228. Placed on Select File as amended.
E & R amendments to LB 228:

1. On page 2, line 9, strike the comma; and in line 10 strike "verbatim" and insert the same after "reporting" in the same line.
2. In the title, line 7, strike "and" and insert "to provide an operative date;" and in line 8 insert "; and to declare an emergency" after "section".

LEGISLATIVE BILL 228A. Placed on Select File.

LEGISLATIVE BILL 360. Placed on Select File as amended.
E & R amendments to LB 360:

1. In standing committee amendment 1, line 4, strike "such" and insert "which".
2. Add a new section to read:

"Sec. 3. Since and emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

3. In the title, line 5, strike "and"; and in line 6 insert "; and to declare an emergency" after "section".

LEGISLATIVE BILL 380. Placed on Select File as amended.
E & R amendments to LB 380:

1. On page 2, line 4, insert "and that" after the comma; in line 10, strike "rather" and insert "but rather that"; and in line 25 insert a comma after "8".
2. On page 3, line 20, strike "includes" and insert "shall include"; in line 21 strike "is not" and insert "not be"; and in line 22 insert a comma after "tapes".
3. On page 4, line 2, insert a comma after "handling".
4. Add a new section to read:

"Sec. 4. This act shall be known and may be cited as the Free Flow of Information Act.".

LEGISLATIVE BILL 177. Placed on Select File as amended.
E & R amendments to LB 177:

1. In new section 1, line 1, insert a comma after "firm"; in line 1 insert "a railroad" after "doing"; in line 3 strike "such"; and in line 5 strike "affects" and insert "affect".
2. In new section 2, line 1, strike "Section" and insert "Sec." and strike "of Nebraska".
3. In the title, strike lines 3 to 6 and insert "maintain the margins along their tracks as prescribed; and to provide for enforcement.".

LEGISLATIVE BILL 417. Placed on Select File as amended.
E & R amendments to LB 417:

1. For correlation purposes, in new section 2, line 2, insert ", as amended by section 10, Legislative Bill 224, Eighty-third Legislature, First Session, 1973" after "1943"; in line 3, strike "(1)"; at the end of line 14 insert "Such records shall be retained for the period of time specified by the State Records Board pursuant to sections 84-1201 to 84-1220."; and strike lines 15 to 24.
2. On page 2, line 4, insert "by any person" after "failure".
3. In standing committee amendment 3, lines 1 and 2, strike ", 60-505,".
4. On page 4, line 12, insert ", section 60-505, Reissue Revised Statutes of Nebraska, 1943, as amended by section 10, Legislative Bill 224, Eighty-third Legislature, First Session, 1973" after "1943".

5. In the title, line 2, strike "section" and insert "sections 39-764 and"; in line 3 insert ", section 60-505, Reissue Revised Statutes of Nebraska, 1943, as amended by section 10, Legislative Bill 224, Eighty-third Legislature, First Session, 1973" after "1943"; and in line 7 strike "; to require" and insert "to require report of an accident and".

LEGISLATIVE BILL 248. Placed on Select File.

LEGISLATIVE BILL 355. Placed on Select File.

LEGISLATIVE BILL 395. Placed on Select File as amended.
E & R amendment to LB 395:
1. On page 2, line 19, strike the comma and show the same as stricken.

(Signed) John J. Cavanaugh, Chairman

STANDING COMMITTEE REPORTS
Nebraska Retirement Systems

LEGISLATIVE BILL 420. Placed on General File.

LEGISLATIVE BILL 478. Placed on General File as amended.
Standing Committee amendments to LB 478:
1. On page 2, line 11 insert after the prior:
"Any benefits paid to the beneficiary of such judge in lieu of the return of the lump sum equal to all contributions to the fund made by such judge shall be the actuarial equivalent of such lump sum value computed as of the date of death of such judge."
2. On page 4, line 16 insert after "intent":
"before retirement"

LEGISLATIVE BILL 479. Placed on General File as amended.
Standing Committee amendment to LB 479:
Page 2, line 24 insert after "sixty-five":
"; provided, that any terminating employee who forfeits a vested future service retirement benefit by withdrawing his employee account shall also forfeit any vested prior service retirement benefit to which he would otherwise be entitled".

LEGISLATIVE BILL 480. Placed on General File as amended.
Standing Committee amendments to LB 480:
1. Insert a new section to read:
Sec. 5. "This act shall apply only to firemen and policemen whose employment is terminated after the effective date of this act."

2. Renumber original section 5 as section 6.

(Signed) Ramey C. Whitney, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 194 and 232.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bills: 194 and 232.

ANNOUNCEMENT

Mr. Barnett announced a First Aid station has been set up in the Post Office Room.

UNANIMOUS CONSENT—Bracket LB 230

Mr. Hasebroock asked unanimous consent to bracket LB 230 on General File. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 452. Laid over at the request of Mr. Marvel.

LEGISLATIVE BILL 43. E & R amendment found in the Journal on page 846 for the Fifty-first Day was adopted.

Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 268. Considered.

The DeCamp pending amendments found in the Journal on page 817 for the Forty-ninth Day lost with 5 ayes, 35 nays and 9 not voting.

Mr. Chambers asked unanimous consent to withdraw his pending amendments found in the Journal on page 817 for the Forty-ninth Day. No objections. So ordered.

Mr. DeCamp asked unanimous consent to withdraw his pending amendments found in the Journal on page 818 for the Forty-ninth Day. No objections. So ordered.

Advanced to E & R for Review with 28 ayes, 16 nays and 5 not voting.

LEGISLATIVE BILL 342. Considered.

Bracketed until Tuesday, March 27 at the request of Mr. Carpenter.

LEGISLATIVE BILL 193. Considered.

Mr. Kelly moved to indefinitely postpone. Motion pending.

Bracketed until Tuesday, March 27 at the request of Mr. Carpenter.

LEGISLATIVE BILL 162. Title read. Considered.

Standing Committee amendment found in the Journal on page 583 for the Thirty-seventh Day was adopted.

Advanced to E & R for Review with 25 ayes, 11 nays and 13 not voting.

LEGISLATIVE BILL 162A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 9 nays and 14 not voting.

LEGISLATIVE BILL 43A. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 1 nay and 18 not voting.

LEGISLATIVE BILL 25. Considered.

Mr. Chambers moved to indefinitely postpone. The motion lost with 11 ayes, 23 nays and 15 not voting.

Advanced to E & R for Review with 25 ayes, 8 nays and 16 not voting.

ANNOUNCEMENT

Mr. Waldron announced that the Miscellaneous Subjects Committee would have an Executive Session Wednesday, March 21 at 8:30 a.m. in Room 2102.

MESSAGE FROM THE GOVERNOR

March 19, 1973

Mr. Vince Brown
Clerk of the Legislature
State House
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 173, 284, 301, and 317.

These bills were signed by me on March 17, 1973 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 48. Indefinitely postponed.

LEGISLATIVE BILL 279. Indefinitely postponed.

LEGISLATIVE BILL 401. Indefinitely postponed.

(Signed) Jules Burbach, Chairman

Labor

LEGISLATIVE BILL 343. Placed on General File as amended.
Standing Committee amendments to LB 343:

1. On page 2, in lines 20 and 21 reinstate the stricken matter; in line 22 reinstate "superintendents, and supervisors;"; in lines 23 and 26 reinstate the stricken matter and strike the new matter.
2. On page 3, lines 4 to 6 reinstate the stricken matter; in line 7 reinstate the stricken matter and strike the new matter; in lines 9 and 10 reinstate the stricken matter and after "employer" insert "; Provided, no such employee shall receive less than seventy-five per cent of the minimum wage"; in lines 11, 13 and 15 reinstate the stricken matter and strike the new matter.
3. On page 4, strike all of the new matter in lines 14 to 16.
4. On page 5, in lines 20 and 21 strike the new matter and reinstate the stricken matter.

(Signed) Richard Maresh, Chairman

Nebraska Retirement Systems

LEGISLATIVE BILL 498. Placed on General File as amended. Standing Committee amendment to LB 498:

1. On page 2, line 20 strike "making contributions to" and show as stricken and insert "eligible under"

(Signed) Ramey C. Whitney, Chairman

Education

LEGISLATIVE BILL 440. Indefinitely postponed.

LEGISLATIVE BILL 450. Indefinitely postponed.

LEGISLATIVE BILL 306. Placed on General File.

LEGISLATIVE BILL 307. Placed on General File as amended. Standing Committee amendments to LB 307:

1. Strike original sections 1 and 2 and insert the following:

"Section 1. That section 80-411, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

80-411. All tuition shall be waived by the University of Nebraska, the ~~four~~ state colleges, and the Nebraska Technical Community Colleges ~~at Milford and Sidney~~ on behalf of any child, resident of this state, whose father was a member of the armed forces of the United States and who was killed in action in World War I as defined in section 80-401.01, or who was killed in action on December 7, 1941 or subsequently until such future date as the Legislature shall determine or who died subsequent to his discharge as a result of injury or illness sustained while a member of the armed forces which may or may not have resulted in total disability. Such tuition shall similarly be waived on behalf of any child whose mother or father is totally disabled as a result of military service during such periods, or whose mother or father: (1) While a member of the armed forces of the United States, is classified as missing in action or a prisoner of war during armed hostilities after August 4, 1964; and (2) Either: (a) Was a resident of this state at the time he entered the armed forces; or (b) Is a resident of, or is married to a resident of, this state at the time such person would attend such state educational institution under the provisions of this act. Application for such waiver shall be submitted through one of the recognized veterans' organizations or any county service officer on a form to be prescribed by the Director of Veterans' Affairs, which organization, or county service officer, shall thoroughly investigate to determine if the applicant is eligible for such waiver and transmit its or his recommendation for action thereon to the Director of Veterans' Affairs. Residence requirements for such waiver shall be the same as provided in section 80-403. If the Director of Veterans' Affairs determines that the applicant is eligible for such waiver, he shall so certify to the institution in which the applicant desires to enroll. The decision of the Director of Veterans' Affairs shall, in the absence of fraud or misrepresentation on the part of the applicant, be final and shall be binding upon the applicant and upon the institutions specified in this section. Such waiver shall be valid only while the child is pursuing a course of study leading to a baccalaureate degree or a diploma from ~~the~~ any Nebraska Technical Community ~~Colleges at Milford and Sidney~~ College. The Director of Veterans' Affairs shall adopt reasonable rules and regulations for the administration of the provisions of this section.".

"Sec. 2. That original section 80-411, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

LEGISLATIVE BILL 370. Placed on General File as amended. Standing Committee amendments to LB 370:

1. On page 2, strike lines 1 to 6 and insert:

"Section 1. Any teacher, administrator, or full-time employee of any public school district shall, upon his request, have access to his personnel file maintained by the district and shall have the right to attach a written response to any item in such file, and he may in writing authorize any other person to have access to such file, which authorization shall be honored by the district. Such access and right to attach a written response shall not be granted with respect to any letters of recommendation solicited by the employer which appear in the personnel file. No other person except school officials while engaged in their professional duties shall be granted access to such file nor shall the contents thereof be divulged in any manner to any unauthorized person.

Sec. 2. Any pupil in any public school, his parents, guardians, teachers, counselors, or school administrators shall have access to the school's files or records maintained concerning him. No other person shall have access thereto nor shall the contents thereof be divulged in any manner to any unauthorized person. All such files or records shall be so maintained as to separate academic and disciplinary matters and all disciplinary material shall be removed and destroyed upon the pupil's graduation or after his continuous absence from the school for a period of three years.

Sec. 3. The school board or board of education of each school district shall adopt and publish an official policy respecting personnel files and student records.".

LEGISLATIVE BILL 399. Placed on General File as amended. Standing Committee amendment to LB 399:

1. On page 2, line 14 strike the semi-colon and insert ", and", in line 15 strike "(2) Have" and insert "have" and eliminate the paragraphing, in line 23 strike "(3)" and insert "(2)".

LEGISLATIVE BILL 475. Placed on General File.

(Signed) Jerome Warner, Chairman

Judiciary

LEGISLATIVE BILL 223. Placed on General File as amended. (Amendments printed and on file in the Clerk's Office.)

LEGISLATIVE BILL 503. Placed on General File as amended. Standing Committee amendments to LB 503:

1. On page 2 line 10 insert "personally served upon the registered agent of the corporation or" after "copy"; strike line 11 and "corporation" in line 12 and insert in lieu thereof "the registered office of the corporation within the state".

2. Insert a new section 2 to read as follows:

"Sec. 2. When no provision exists elsewhere for service of process upon any political subdivision in this state, such service shall be made by delivery of the summons to the clerk, secretary, or other official whose duty it is to maintain the official records of the political subdivision or to any member of the governing body of such subdivision.".

3. Renumber original section 2 as section 3.

LEGISLATIVE BILL 517. Placed on General File.

LEGISLATIVE BILL 518. Placed on General File.

LEGISLATIVE BILL 519. Placed on General File as amended. Standing Committee amendments to LB 519:

1. On page 2 line 18 insert "or as directed by the presiding judge of the court" after "case".

2. On page 3 line 7 strike "within" and insert ", Within".

3. On page 3 add a new section to be known as section 3 and to read as follows:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

4. Amend the title to conform.

LEGISLATIVE BILL 521. Placed on General File.

(Signed) Roland A. Luedtke, Chairman

Public Health and Welfare

LEGISLATIVE BILL 449. Placed on General File.

LEGISLATIVE BILL 525. Placed on General File as amended.
Standing Committee amendment to LB 525:

1. On page 6, line 2, strike "living".

(Signed) Thomas C. Kennedy, Chairman

ANNOUNCEMENT

Mr. Burbach announced that the Revenue Committee will hold their hearing in the East Lounge today instead of the West Chamber.

UNANIMOUS CONSENT—Print in Journal

Mr. R. Lewis asked unanimous consent to print the following amendments to LB 364 in the Journal. No objections. So ordered.

Amendments to LB 364:

1. Strike the standing committee amendment to page 2, line 14.
2. Strike standing committee amendment 3.
3. On page 2, line 23, insert "or subdivision" after "territory"; and strike lines 24 and 25 and insert "defined in the charter.".
4. On page 4, line 26 insert "as provided in this section" after "be"; and in line 26 strike "The" and insert "~~The~~ Except as provided in this section, the".
5. On page 5, line 11, insert "; counties having a population of sixty thousand but less than one hundred thousand inhabitants, fifteen hunderd dollars; counties having a population of one hundred thousand but less than two hundred thousand inhabitants, three thousand dollars; counties having a population of two hundred thousand inhabitants or more, fifty-five hundred dollars. The population of a county for purposes of this section shall be the population as determined by the most recent federal decennial census" after "dollars"; and strike lines 12 to 24 and through the period in line 25 and show the same as stricken and insert "When the name of one or more candidates of a district appears on ballots in less than one half of the precincts in a county, the cost to the district shall be reduced fifty per cent. When the name of one or more candidates of a district appears on ballots in less than one-tenth of the precincts in a county, there shall be no cost to a district.".
6. On page 7, line 15, strike "throughout" and insert "within"; strike beginning with "names" in line 16 through "elected" in line 17 and insert "incumbent directors";

strike line 18 and insert "district which they represent. A"; and strike line 23 and insert "shall be not more than six years and until his successor is elected and qualified.".

7. On page 8, line 5, strike the first "or" and insert "or"; in line 7 insert ", or (4) the term of office of a director expires and there has been a failure to elect a director to fill such office at the preceding general election".

8. Strike the new matter beginning on page 8, line 17 through page 9, line 17 and insert "If a vacancy occurs during the term of any director prior to the deadline for filing, and the unexpired term extends beyond the first Tuesday in January following the next general election, an appointment shall be until the first Tuesday in January following the next general election, and candidates may file nomination papers as provided by law for the placing of their names upon the ballot for election to the unexpired term. If a vacancy occurs during the term of any director after the deadline for filing for election, an appointment shall be until the first Tuesday in January following the next general election for which candidates may file nomination papers as provided by law.".

MOTION—Study Directed by Governor

Mr. Carpenter moved that the Governor be requested to make a study through his staff, to determine how the city of Omaha is going to construct a thirty million dollar bank and building complex using the city's credit and possibly being exempt from real estate taxes and Nebraska State Income taxes; and as a result of such a study, submit a recommendation for the Legislature's Consideration.

I further move that if the City of Omaha goes forward with such a project, that the Attorney General be directed to initiate an appropriate action to forestall any effort to create tax exemption for what is primarily a private venture.

Mr. Carpenter requested a record vote.

The Chair ruled that this motion would take 25 votes.

Mr. Chambers moved for a Call of the House. The motion prevailed with 22 ayes, 8 nays and 19 not voting.

The Call showed 37 members present.

Mr. Goodrich moved the Call be raised. The motion prevailed with 27 ayes, 1 nay and 21 not voting.

Voting in the affirmative, 22:

Anderson
Barnett
Carpenter
C. Carsten
Cavanaugh
Chambers
DeCamp
Dickinson
Fowler
Hasebroock
Kelly
Kennedy
Kremer
F. Lewis
Luedtke
Mahoney
Rasmussen
Richendifer
Simpson
Syas
Whitney
Wiltse

Voting in the negative, 8:

Goodrich
Kime
R. Lewis
Maresh
Nore
Stahmer
Stull
Warner

Not voting, 19:

Burbach
F. Carstens
Clark
Duis
Epke
Fellman
Johnson
Keyes
Marsh
Marvel
Moylan
Murphy
Proud
Savage
Schmit
Skarda
Snyder
Stromer
Waldron

The Carpenter motion lost with 22 ayes, 8 nays and 19 not voting.

VISITORS

President Marsh introduced 36 Mid-City Senior Citizens from Omaha and Sister Janet Daul, Director.

President Marsh introduced Mr. Joseph Maresh from Dodge, Nebraska, Chairman of the ETV Commission.

President Marsh introduced Mrs. Esther Simpson of Manning, Iowa, mother of Senator Simpson.

President Marsh introduced a group of ladies from Hamilton County.

President Marsh introduced 18 Government students from New Castle High School, New Castle and teachers Mrs. Bernetta Frericks and Mr. James Walsh.

President Marsh introduced 80 Government students from Westside School, Omaha and teachers, Messrs. William Nelson, Richard Hicks, Jon Stromberg, Dennis McIntyre.

President Marsh introduced 55 Juniors from Bellevue Public School, Bellevue and teachers Messrs. Dunn and Mayo.

President Marsh introduced 15 Senior High students from McCook High School, McCook and teachers Mrs. Dorthy Hart and Mr. Gerald Mayo.

President Marsh introduced the 7th Grade Speech Class from Irving Junior High, Lincoln and teachers Miss Dischner and Mrs. Jack Frost.

ADJOURNMENT

At 12:09 p.m. on a motion by Mr. Hasebroock, the Legislature adjourned until 9:00 a.m., Wednesday, March 21, 1973.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

FIFTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 21, 1973

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Marsh presiding.

PRAYER

Prayer was offered by the Chaplain.

> Lord God of all good life:
>
> We remember in prayer today the Districts of Nebraska which we represent in this House. We are thankful for all the good things that are found back home: the community spirit, the churches, schools, courts of justice, the homes, hospitals, offices and factories.
>
> And we would remember also the special needs of our districts for employment, for recreation, for housing, welfare, safe streets, good highways.
>
> Give us the vision and wisdom to surround our Districts and our state with the safeguards of sound laws which will preserve the good life for those who now enjoy it, and make it available to all.
>
> We are bold to offer such a prayer, for we are those who believe that with God all things are possible. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Fellman who was excused; Speaker Proud who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-second Day was approved.

ATTORNEY GENERAL OPINION

March 20, 1973

Senator E. Thome Johnson
Nebraska State Legislature
State Capitol
Lincoln, Nebraska

Dear Senator Johnson:

You have asked whether valid legislation can be passed, taxing motor vehicles on a twelve month, rather than calendar year, basis. You further ask whether such legislation could provide that the unused portion of the tax on that vehicle, if it was sold before the expiration date of the period for which taxes had been paid, could be refunded to the taxpayer. We can see no constitutional reason why this could not be done.

Article VIII, Section 1 of the Nebraska Constitution provides in part:

> "* * *. Taxes shall be levied by valuation uniformly and proportionately upon all tangible property and franchises, except that the Legislature may provide a different method of taxing motor vehicles * * *."

In State ex rel Meyer v. Story, 173 Neb. 741, 114 N. W. 2d 769, the Nebraska Supreme Court, citing Boyd Motor Company v. County of Box Butte, 159 Neb. 514, 67 N. W. 2d 774, held that the above constitutional provision authorized motor vehicles to be placed in a separate class, but that the people who owned motor vehicles could not be divided into two classes. In view of the very broad discretion given to the Legislature with respect to taxation, except as expressly limited by the Constitution, we can see no particular reason why the Legislature, in the taxation of motor vehicles, is limited to a calendar year period. The only real question, then is whether a provision making the taxes on motor vehicles payable at varying times of the year constitutes discrimination among the class of motor vehicle owners. We do not believe that a provision that motor vehicle taxes are payable for a twelve month period beginning with the date of registration of the motor vehicle, and payable on the same date each succeeding year thereafter, constitutes discrimination among taxpayers. As a matter of fact, under the provisions of Sections 77-1240.01 and 77-1240.02, the initial payments of taxes on motor vehicles are made at various times of the year, depending upon the date of initial registration of the vehicle. The only difference under your proposal would be that the taxes would be paid for a full twelve month period, rather than simply for the balance of that calendar year. We can see no particular significance in this difference.

With respect to the propriety of a refund of a portion of the taxes when the vehicle is disposed of before the expiration of the period for which taxes have been paid, no significant difference appears between the situation you inquire about and that which exists under the present statutes. Section 77-1240.03 now provides for credit or refund of taxes based upon the unexpired months remaining in the registration year at the time of transfer of ownership of the motor vehicle. As a matter of fact, that section could remain substantially unchanged under the system you propose.

You understand that in rendering this opinion, we are not looking at any specific legislation, but are simply discussing the general power of the Legislature to enact legislation along the general lines you have outlined. There may be practical difficulties with respect to such a system, which we have not considered. We are simply saying that, in our opinion, valid legislation could be drafted to accomplish the results you have inquired about.

Very truly yours,

CLARENCE A. H. MEYER
Attorney General

(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:jc

cc: Vincent Brown
Clerk of the Legislature

UNANIMOUS CONSENT—Bracket LB 43

Mr. Stull asked unanimous consent to bracket LB 43 on E & R Final. No objections. So ordered.

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on March 21, 1973 at 8:25 a.m. the following: LB 194 and LB 232.

(Signed) Barbara Jackson, Enrolling Clerk

STANDING COMMITTEE REPORTS
Miscellaneous Subjects

LEGISLATIVE BILL 53. Indefinitely postponed.

LEGISLATIVE BILL 131. Placed on General File as amended.
Standing Committee amendments to LB 131:

1. Strike section 1 and insert sections 1 and 2 as follows:

"Section 1. That section 23-362, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-362. In order to equitably distribute the added burden of law enforcement imposed upon certain counties of this state by reason of the passage of Public Law 280 of the Eighty-third Congress dealing with state jurisdiction over offenses committed by or against Indians and the resulting withdrawal of federal law enforcement in such counties, there shall be paid out of the state treasury on the warrant of the Director of Administrative Services such amounts as the Legislature may appropriate to any county of this state meeting the following conditions:

(1) Such county shall have on file in the office of the Director of Administrative Services either a certificate of the county assessor that there are within such county more than thirty-five thousand acres of land held in trust by the United States, or subject to restriction against alienation imposed by the United States, for the benefit of Indians or Indian tribes;~~ or a certificate of the county sheriff showing that during the preceding year sixty per cent or more of the persons convicted for violation of state criminal laws were Indians;~~ and

(2) Such county shall have submitted to the director a voucher bearing the certificate of the county clerk showing for the fiscal year for which claim for state funds is made the cost to the county of ~~feeding Indian~~ boarding prisoners.~~and that such prisoners are carried on the tribal rolls as Indians.~~ No such claim shall be allowed by such director except for the amount that the cost to the county for such fiscal year for ~~feeding Indian~~ boarding prisoners exceeds nine thousand dollars.

"Sec. 2. Repeal".

(Signed) J. James Waldron, Chairman

UNANIMOUS CONSENT–Member Excused

Mr. Wiltse asked unanimous consent to be excused Thursday and Friday, March 22 and March 23. No objections. So ordered.

UNANIMOUS CONSENT–LB 146 and LB 268

Mr. Luedtke asked unanimous consent that the E & R Chairman be instructed not to correlate LB 146 and LB 268. No objections. So ordered.

UNANIMOUS CONSENT–Unbracket LB 146

Mr. Chambers asked unanimous consent to unbracket LB 146 on Final Reading. No objections. So ordered.

STANDING COMMITTEE REPORT

Miscellaneous Subjects

LEGISLATIVE BILL 381. Placed on General File.

(Signed) J. James Waldron

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 447. With Emergency.

A BILL FOR AN ACT to provide for the erection of a state office building as prescribed; to authorize the purchase of a building; to provide for funding and make appropriations; to amend sections 72-716.01 and 72-716.02, Reissue Revised Statutes of Nebraska, 1943, and section 77-2602, Revised Statutes Supplement, 1972; to delete obsolete matter; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
Clark
DeCamp
Dickinson
Duis
Epke
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Nore
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 2:

Fellman
Proud

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 146.

A BILL FOR AN ACT relating to crimes and punishment; to abolish the death penalty; to amend sections 29-2301 and 29-2306, Reissue Revised Statutes of Nebraska, 1943, and sections 24-342, 28-401, and 28-417, Revised Statutes Supplement, 1972; and to repeal the original sections, and also sections 29-2306.01, 29-2306.02, 29-2306.03, 29-2307, 29-2501 to 29-2508, 29-2510, 29-2512 to 29-2515, 29-2517, and 29-2518, Reissue Revsied Statutes of Nebraska, 1943, and sections 29-2509, 29-2511, and 29-2516, Revised Statutes Supplement, 1972.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 25:

Anderson
Barnett
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
DeCamp
Duis
Fowler
Kelly
Keyes
F. Lewis
R. Lewis
Luedtke
Mahoney
Marsh
Proud
Richendifer
Schmit
Simpson
Snyder
Stahmer
Waldron
Warner

Voting in the negative, 19:

Clark
Dickinson
Epke
Goodrich
Hasebroock
Kennedy
Kime
Kremer
Maresh
Moylan
Nore
Rasmussen
Savage
Skarda
Stromer
Stull
Syas
Whitney
Wiltse

Not voting, 5:

Burbach
Fellman
Johnson
Marvel
Murphy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SELECT FILE

LEGISLATIVE BILL 452. Laid over temporarily.

LEGISLATIVE BILL 336. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 336A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 446. E & R amendments found in the Journal on page 863 for the Fifty-second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 228. E & R amendments found in the Journal on page 863 for the Fifty-second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 228A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 360. E & R amendments found in the Journal on page 863 for the Fifty-second day were adopted.

Mr. Goodrich offered the following amendment which was adopted by unanimous consent:

1. On page 3, line 10, strike "is" and insert
"and also sections 28-972 to 28-974, Reissue Revised Statutes
of Nebraska, 1943, are" after the second comma.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 380. E & R amendments found in the Journal on page 864 for the Fifty-second Day were adopted.

Mr. Carpenter offered the following amendment which was adopted by unanimous consent:

Add the Severability Clause.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 177. E & R amendments found in the Journal on page 864 for the Fifty-second day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 417. E & R amendments found in the Journal on page 864 for the Fifty-second Day were adopted.

Bracketed at the request of Mr. Richendifer.

LEGISLATIVE BILL 248. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 355. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 395. E & R amendment found in the Journal on page 865 for the Fifty-second Day was adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Member Excused

Mr. Burbach asked unanimous consent to be excused at 10:30 a.m. for the remainder of the morning. No objections. So ordered.

MOTION–Override Veto on LB 13

Mr. Schmit moved to override the Governor's veto on LB 13.

The question is, "Shall the bill be passed notwithstanding the objections of the Governor?"

Mr. Carpenter requested a Roll Call vote.

Mr. Chambers moved for a Call of the House. The motion prevailed with 32 ayes, 1 nay and 16 not voting.

The Call showed 47 members present.

Voting in the affirmative, 31:

Anderson
Barnett
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
Duis
Hasebroock
Johnson
Kelly
Kime
Kremer
F. Lewis
R. Lewis
Luedtke
Marsh
Marvel
Nore
Proud
Savage
Schmit
Simpson
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Wiltse

Voting in the negative, 16:

Clark
DeCamp
Dickinson
Epke
Fowler
Goodrich
Kennedy
Keyes
Mahoney
Maresh
Moylan
Murphy
Rasmussen
Richendifer
Skarda
Whitney

Not voting, 2:

Burbach
Fellman

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION–Override Veto on LB 13A

Mr. Schmit moved to override the veto on LB 13A.

The question is, "Shall the bill be passed notwithstanding the objections of the Governor?"

Voting in the affirmative, 30:

Anderson
Barnett
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
Duis
Epke
Hasebroock

Johnson Kelly Kremer F. Lewis R. Lewis
Luedtke Marsh Marvel Nore Proud
Savage Schmit Simpson Snyder Stahmer
Stromer Stull Syas Waldron Warner

Voting in the negative, 16:

Clark DeCamp Dickinson Fowler Goodrich
Kennedy Keyes Mahoney Maresh Moylan
Murphy Rasmussen Richendifer Skarda Whitney
Wiltse

Not voting, 3:

Burbach Fellman Kime

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

Mr. Stromer moved the Call be raised. The motion prevailed with 38 ayes, 0 nays and 11 not voting.

UNANIMOUS CONSENT—Change of Order

Mr. Marvel asked unanimous consent to take up LB 452 on Select File at this time. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 452. E & R amendments found in the Journal on page 846 for the Fifty-first Day were adopted.

Mr. Marvel offered the following amendments which were adopted by unanimous consent:

1. On page 1, line 20 strike "and"; strike the period in line 25 and insert "; and

(6) Provide the Legislature and the Governor access to any information that is available to the Governmental Services Commission.".

2. On page 3, line 5 strike "an" and insert "a modified".
3. On page 7, line 23 strike ", once each calendar quarter" and insert "annually".
4. On page 10, line 12 strike "division heads" and insert "divisions".
5. On page 11, line 13 after "advantage," insert "and", strike "frugality" and insert "efficacy"; in line 15 after "state" insert "; and" and strike ", and (v)" and strike lines 16 to 19.
6. On page 12, line 6 strike "an investigation" and insert "investigations and inspections".

7. On page 13, after line 26 insert "and uniform"; in line 27 after "entry" insert "modified".

8. On page 14, lines 7 and 8 strike ", in the executive budget,"; and in line 10 strike "week" and insert "month".

9. On page 15 after line 10 insert "

"(4) The accounting division shall prepare annually the state indirect cost plan pursuant to United States Office of Management and Budget Circular A-87.".

10. On page 17, lines 18 and 19 strike "budget administrator" and insert "State Controller".

11. On page 18, line 7 after "for" insert "consulting services,"; in line 17 before "office" insert "State Office of Planning and Programming and the".

12. On page 19, line 1 after "annually" insert "in cooperation with the State Clearinghouse"; in lines 5 and 6 strike "and the effectiveness of changes and tax laws on the ability of the state to attract industry"; and in line 21 after "commission" insert ", the Governor,".

13. On page 21, line 9 after "been" insert "met.", strike "complied with or"; strike lines 10 and 11; and in line 19 strike "quarterly"; in line 26 after "Legislature" insert "or by the Executive Board of the Legislative Council if the Legislature is not in session"

14. On page 22, line 2 strike "thirtieth" and insert "fifteenth Legislative".

15. On page 23, line 9 strike "November" and insert "October"; in line 17 strike ", and no appropriation shall be made in excess of"; strike lines 18 to 21 up to the period; in line 26 strike "the"; in line 27 strike "management of advanced data processing operations" and insert "machine data processing operations involving unit record or computer equipment, or both, of which not less than one year shall have been experience as the supervisor of a machine data processing entity of a government or private enterprise, and not less than two years shall have been experience as a systems analyst or with principal responsibility for systems development or supervision, or both, and of which not less than one year shall have been experience in the operations program of a unit record or computer machine program, or both,".

16. On page 24 after line 1 insert: "In lieu of such formal educational requirements, eight years of progressively responsibile experience in governmental or public accounting, or a combination of accounting and machine data processing systems experience, or a combination of both, may, at the option of the appointing authority, be accepted as meeting minimum qualifications for appointment. Successful completion of training courses covering the functions, programming, operations, and systems development aspects of machine data processing equipment may be credited as experience in direct proportion to the number of weeks of course work completed."; strike lines 8 to 12 and insert:

"(2) He shall provide and develop state data bases for all automated systems insuring standardized data elements in conjunction with all divisions;"; strike lines 21 to 26; renumber original subdivisions 5 to 10 as 4 to 9 respectively.

17. On page 27, line 4 strike "and"; in line 7 strike the period and insert "; and

(11) He shall direct the development of the master plan for a state data processing network."; strike lines 18 to 20 and insert:

"(1) To review the accounting and other records and reporting systems of each department and agency of the state;".

18. On page 32, line 5 strike "and"; in lines 6 and 7 strike "from an agency and provide credit to such agency." and insert "when it would be an advantage to the state;

(7) Make rules and regulations not inconsistent with the provisions of this act;

(8) Allow the purchase of items without competitive bidding when the price has been established by the Federal General Service Administration;

(9) Enter into any personal property lease agreement when it appears to be in the best interest of the state; and

(10) Negotiate purchases and contracts when conditions exist to defeat the purpose and principles of public competitive bidding."; in line 17 strike "operation of the state motor pool and"; in line 19 after "claims" strike the semicolon and insert ", and which may operate the state motor pool. If the purchasing division finds it desirable and economically feasible to operate a motor pool they shall:

(a) Establish standards for which a state agency may qualify for the full-time assignment of state-owned motor vehicles

(b) Create a motor pool or motor pools for the use of agencies whose travel requirements do not meet the qualificiations set out in subdivision (a) of section 40 (2);

(c) Repair, maintain, and lease to state agencies all vehicles owned by the purchasing division and approve the acquisition, sale or trade of each and every state-owned vehicle;

(d) Consult with the various state agencies using state vehicles and write specifications for state-owned vehicles to be purchased;

(e) Provide for the purchase only of vehicles used primarily for the transportation of state employees from funds received from the sale of surplus passenger-carrying motor vehicles; and

(f) Present to the accounting division of the Department of Governmental Services cost and maintenance records of state-owned vehicles so that the various state agencies which use state-owned vehicles may be billed for such use. The Department of Governmental Services shall develop a system of time and mileage charges for the purpose of billing the various state agencies for their vehicle usage. The daily, weekly, or monthly charge shall cover all fixed expenses of such vehicles and the mileage charge shall cover the variable costs of operation. Within one week after the operative date of this act the transporation services bureau of the Department of Administration Services shall transfer titles to those vehicles originally purchased by various state agencies to the purchasing division of the Department of Governmental Services. If the purchasing division shall find it not in the best interests of the state to operate a motor pool, within ninety days after the operative date of this act the purchasing division of the Department of Governmental Services shall transfer title to those vehicles originally purchased by various state agencies to such respective agencies.".

19. On page 34, line 3 strike "two" and insert "one"; in line 7 strike "five" and insert "two", after "hundred" insert "fifty" and strike "two" and insert "one"; in line 11 strike "five" and insert "two" and after "hundred" insert "fifty"; in line 15 strike "and"; in line 20 strike the period and insert "; and

(9) This section shall not apply:

(a) To the erection, construction, or original equipment of any building or addition thereto, to the construction of any road or bridge, or to the performance of any like work; and

(b) To the purchase or use of the products of the labor of the inmates of any charitable, reformatory, or penal institution of the state.".

20. On page 36, line 14 strike "ten" and insert "fifteen".

21. On page 37, lines 11 and 12 strike "; and shall be operative for a period not exceeding six months from the date of issue"; in line 18 after "division." insert "Purchases for miscellaneous needs may be made directly by any agency without permission from the purchasing division for purchases of not to exceed thirty-five dollars at any one time.".

22. On page 38, lines 8 and 9 strike ", after obtaining approval of the commission,"; after line 11 insert "or"; in line 12 strike "or trade-in for other property"; in line 25 strike "; and provided further, that the"; and strike lines 26 and 27.

23. On page 39, strike lines 1 to 3 up to the period; in line 23 strike "State Building Manager" and insert "Superintendent of Buildings and Grounds"; in the Fellman amendment line 4 strike "the State Building Manager" and insert "the Superintendent of Buildings and Grounds"; and in line 27 strike "pursuant to".

24. On page 40, line 1 strike "section 72-718.01"; in lines 1 and 2 strike "The State Building Manager" and insert "The Superintendent of Buildings and Grounds"; in line 2 strike "director" and insert "Governor"; in line 7 strike "pursuant to section 72-718.01"; in line 12 strike ", under the direction of the director,"; in line 17 strike "pursuant to section 72-718.01"; in lines 21 and 22 strike "under the authority of subdivision (6) of section 72-1007"; in line 26 strike "any" and insert "such"; and in lines 26 and 27 strike "acquired under the provisions of subdivision (6) of section 72-1007,".

25. On page 41, line 14 strike "pursuant to section 72-718.01"; and in line 23 strike "pursuant to section 72-718.01".

26. On page 42, lines 3 and 4 strike "pursuant to section 72-718.01"; in line 6 strike "He shall keep in his office a"; and strike lines 7 to 27.

27. On page 43, strike lines 1 to 18; in line 19 strike "The State Building Manager" and insert "The Superintendent of Buildings and Grounds"; in line 26 strike "The State Building Manager" and insert "The Superintendent of Buildings and Grounds"; and renumber original subsections (3) and (4) as (2) and (3) respectively.

28. On page 44, line 3 after "agencies" insert "which"; strike lines 12 to 21 and insert a new section as follows:

"Sec. 49. The director shall appoint within the purchasing division, the State Building Manager.

(1) The State Building Manager shall be responsibile to the director for determination of the space needs of all other departments and agencies of the state and for the assignment of office space within the executive branch The determination of such needs shall be based on considerations of: (a) Space available as provided in this section within the capitol building and other state office buildings; (b) the desirability of locating all divisions and other organizational subunits of each department and agency of the state in physical proximity to the office of its head; (c) the degree to which the convenience of the public may be served by assignment of various areas within the capitol building or other state office buildings to the agencies and departments having requirements for direct dealing with the public in accordance with the volume of such dealings and the nature of the population served; (d) the interdependence of function and operating procedures of the various agencies with one another as such interdependence may be efficiently accommodated through physical proximity in the location of assigned space; (e) applicable standards governing office requirements as may be developed by the director; (f) proposed additions to functions or programs or creation of new functions or programs as authorized and required by action of the Legislature; (g) the availability of appropriations with which to finance renovations, remodeling and movement of equipment necessary to accommodate any proposed assignment or reassignment of area; (h) the degree to which funds raised by general taxation or having effect on the level of general taxation shall be affected by any proposed assignment of space outside the capitol building or other state office buildings; and (i) assignment of space in buildings constructed with federal funds shall conform to federal standards.

(2) No space shall be taken from either the judicial or legislative branch without the consent of the Chief Justice or the Legislature if in session, or by the Executive Board of the Legislative Council if the Legislature is not in session, respectively. The needs for space of the Legislature shall be determined by the Legislature if in session and by the Executive Board of the Legislative Council if the Legislature is not in session. No required space shall be taken from the executive branch without concurrence of the Governor."; and in line 26 after the period insert "Charges in excess of actual cost shall be made only on those purchases from cash and federal funds.".

29. On page 48, line 12 before "this" insert "sections 51 to 53 of"; and strike lines 13 to 27.

30. On page 49, strike lines 1 to 16 and insert:

"Sec. 55. Pursuant to United State Office of Management and Budget Circular A-95, there is hereby created the State Clearinghouse in an agency designated by the Governor. Any department, board, commission, or agency of the State of Nebraska applying for federal funds, aids, and grants shall file a copy of the application with such State Clearinghouse. A statement shall be filed with the copy of the application, if as a condition to receiving such federal funds, the State of Nebraska is required to match federal funds directly or indirectly.

The State Clearinghouse shall develop such forms as are necessary for the applicant to show any amount of state funds or services needed for matching purposes and the length of time such matching funds or services shall be required, and any other appropriate information.

When any federal funds, aids, and grants are received by any department, board, commission, or agency of the State of Nebraska, a report of the award of such amount of funds shall be filed with the State Clearinghouse.

The State Clearinghouse shall file copies of all applications, statements, and reports required by this section with the Legislative Fiscal Analyst. Any application for federal funds, aids, or grants, which will require state matching or replacement, at the time of the application or at any time in the future, may be disapproved by either the Governor or the Executive Board of the Legislative Council. Such disapproval must be exercised within thirty days of the receipt of the application, by the disapproving party.

The director shall refuse to issue his warrant for the disbursement of any funds which may be received as a result of applications which were disapproved pursuant to this section, or in regard to which the statements or reports required by this section were not filed."; and renumber original sections 49 to 55 as sections 50 to 56 respectively.

31. On page 63 after line 4 insert:

"Sec. 66. Neither the Governor nor the Department of Administrative Services shall enter into any new contract, or modify or cancel any existing contract, with respect to data processing after the effective date of this section.

Sec. 67. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration of invalidity shall not affect the validity of the remaining portions thereof."; in line 6 after "1973" insert ", except that section 66 of this act shall become operative on the effective date of this act"; and renumber original section 67 as 68.

Advanced to E & R for Engrossment.

MOTION–Place LB 323 on General File

Mr. Marvel moved to place LB 323 on General File notwithstanding the Committee action. Motion pending.

ANNOUNCEMENT

Mr. Warner announced that the Education Committee would hold an Executive Session in Room 2227 on Monday, March 26, 1973 and Tuesday, March 27, 1973 at 1:00 p.m.

NOTICE OF COMMITTEE HEARINGS

Committee on Committees

March 21, 1973

The Committee on Committees will meet at 12:30 p.m. Thursday, March 29, 1973, in the East Lounge, for the purpose of hearing appointments submitted by Governor J. James Exon as follows:

John Sullivan – Agricultural Products Industrial Utilization Committee
Charles Davey – Department of Economic Development Advisory Committee
George W. Egenmayer – Board of Trustees of Nebraska State Colleges
Ray R. Young – Public Welfare and Public Institutions Advisory Committee

(Signed) Ramey C. Whitney, Chairman

STANDING COMMITTEE REPORTS

Public Health and Welfare

LEGISLATIVE BILL 515. Placed on General File as amended.
Standing Committee amendments to LB 515:

1. On page 9, following section 5, insert a new section 6 to read as follows:

Sec. 6. Notwithstanding the provisions of sections 71-103 and 71-1,145, a temporary license to practice pharmacy may be granted to persons meeting all of the qualifications for such license except the requirement that they be citizens of the United States. Such temporary license shall be issued for a period of one year from the date of issuance and may be renewed each year thereafter for four additional years, and if the person so licensed has not become a citizen of the United States within five years of the date such temporary license was issued, such license shall terminate and the person so licensed shall have no further right to practice pharmacy in this state. If a temporary licensee becomes a citizen of the United States while a temporary license is in force, and provides evidence thereof to the Department of Health, a license to practice pharmacy may be issued in place of such temporary license and no additional fee shall be charged unless such temporary license had already expired, in which case a renewal fee shall be charged. The applicant for temporary license shall submit proof of his eligibility and intent to become a citizen of the United States. The fees to be paid and procedures for the denial, suspension, revocation or reinstatement of such a temporary license shall be the same as for a license.

Renumber original sections 6 to 24 as sections 7 to 25.

2. On page 12, line 9 strike "thirty" and insert "~~thirty~~ fifty".

(Signed) Thomas C. Kennedy, Chairman

Judiciary

LEGISLATIVE BILL 436. Placed on General File as amended. Standing Committee amendments to LB 436:

1. On page 2, reinstate the stricken matter and strike the new matter; on page 3 strike the new matter in lines 1 to 3; and on page 3, line 3, insert "When an order or decree of adoption has been entered by any court in any foreign country, a copy of such order or decree, duly certified and translated into English by a representative of the United States Department of State officially stationed in such country or, in the absence of any such representative, so certified and translated by the United States Department of State, may be filed with the petition for adoption and shall operate in lieu of the consent otherwise required by this section." after the period.

2. On page 3 strike lines 4 to 21 and insert:

"Sec. 2. That original section 43-104, Revised Statutes Supplement, 1972, is repealed.".

(Signed) Roland A. Luedtke, Chairman

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 182A. By Epke, 24th District.

A BILL FOR AN ACT to appropriate ninety-one thousand seven hundred seven dollars from the state General Fund for the period of July 1, 1973 to June 30, 1974 to the Department of Agriculture, Agency No. 18 for Program 63, Enforcement of Standards, Animal Industry, to aid in carrying out the provisions of Legislative Bill 182, Eighty-third Legislature, First Session, 1973.

STANDING COMMITTEE REPORTS
Nebraska Retirement Systems

LEGISLATIVE BILL 353. Placed on General File as amended. Standing Committee amendment to LB 353:

1. On page 2, line 5, strike "seventy" and insert "~~seventy~~ seventy-two"

LEGISLATIVE BILL 55. Placed on General File as amended.
Standing Committee amendments to LB 55:

1. On page 2, strike the new matter and reinstate the stricken matter in lines 12 to 14, after the reinstated "employment" add "until the attainment of age seventy-two."
2. On page 2, line 18 strike the period and show the same as stricken, and insert ", employees of the Legislative Council of the Legislature, the Legislature, or employees of any agency required by the Constitution."

(Signed) Ramey C. Whitney, Chairman

Public Health and Welfare

LEGISLATIVE BILL 477. Placed on General File.

(Signed) Thomas C. Kennedy, Chairman

MOTION—Place LB 161 on General File

Mr. Waldron moved to place LB 161 on General File notwithstanding the Committee action.

The Chair ruled that if this bill is raised, the Standing Committee amendments would not be attached thereto.

The motion prevailed with 35 ayes, 4 nays and 10 not voting.

Bracketed on General File at the request of Mr. Waldron.

MOTION—Place LB 153 on General File

Mr. Luedtke moved to place LB 153 on General File notwithstanding the Committee action.

Mr. Luedtke moved for a Call of the House. The motion prevailed with 22 ayes, 15 nays and 12 not voting.

Mr. Luedtke moved the Call be raised. The motion prevailed with 31 ayes, 2 nays and 16 not voting.

The Luedtke motion to place LB 153 on General File prevailed with 25 ayes, 7 nays and 17 not voting.

Bracketed at request of Mr. Luedtke.

UNANIMOUS CONSENT–Expedite LB 452

Mr. Carpenter asked unanimous consent to expedite LB 452. No objections. So ordered.

UNANIMOUS CONSENT–Members Excused

Messrs. Stull, Luedtke and Simpson asked unanimous consent to be excused Friday, March 23, 1973. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS
Miscellaneous Subjects

LR 21	Thursday, March 29, 1973	1:00 p.m.
LB 540	Thursday, March 29, 1973	1:00 p.m.
LB 541	Thursday, March 29, 1973	1:00 p.m.

(Signed) J. James Waldron, Chairman

STANDING COMMITTEE REPORTS
Government, Military and Veteran's Affairs

LEGISLATIVE BILL 469. Placed on General File as amended.
Standing Committee amendments to LB 469:

1. Strike section 1 and insert the following:

"Section 1. State employees shall, during each year of continuous employment, be entitled to ninety-six working hours vacation leave with full pay. State employees who complete five years of continuous employment by the state shall thereafter be entitled to eight additional hours vacation leave with full pay for each completed year of state employment up to a maximum of two hundred hours vacation leave a year. Vacation leave shall be earned in accordance with the following schedule:

During 1st year of continuous employment — 96 hours per year
During 2nd year of continuous employment — 96 hours per year
During 3rd year of continuous employment — 96 hours per year
During 4th year of continuous employment — 96 hours per year
During 5th year of continuous employment — 96 hours per year
During 6th year of continuous employment — 120 hours per year
During 7th year of continuous employment — 128 hours per year
During 8th year of continuous employment — 136 hours per year
During 9th year of continuous employment — 144 hours per year
During 10th year of continuous employment — 152 hours per year
During 11th year of continuous employment — 160 hours per year
During 12th year of continuous employment — 168 hours per year
During 13th year of continuous employment — 176 hours per year
During 14th year of continuous employment — 184 hours per year
During 15th year of continuous employment — 192 hours per year
During 16th year of continuous employment — 200 hours per year
and thereafter;

Provided, that employees who are regularly employed less than forty hours a week shall be entitled to vacation leave proportionate to their regular work week; and provided further that any employee who has been employed by the Legislature or Legislative Council shall, for vacation leave entitlement purposes be credited with one continuous year of employment for each two hundred and sixty working days such employee was employed by the Legislature or Legislative Council.

As used in this act the words state employee shall mean the head of a department or agency except when that head is a board or commission and all other state employees.

For the purposes of this act an employee who has terminated his employment with the state for any reason other than disciplinary and who returns to state employment within one year from the date of termination shall have his service for vacation leave entitlement computed by combining prior continuous service with current continuous service disregarding period of absence.

The vacation leave account of each employee shall be balanced as of December 31 each year. Each employee as defined herein shall be entitled to have accumulated as of December 31 of each calendar year the number of hours of vacation leave which he earned during that calendar year. Hours of vacation leave accumulated in excess of that number shall be lost. Any employee shall be entitled to use any vacation time as soon as it has accrued. Any vacation time not used within one year following the calendar year during which the time accrued shall be lost. In special and meritorious cases, where to limit the annual leave to the period herein specified would work a peculiar hardship, such leave may, in the discretion of the Governor, be extended.

Each employee, upon retirement, dismissal or voluntary separation from state employment, shall be paid for unused accumulated vacation leave. Upon the death of an employee, his beneficiary shall be paid for his unused accumulated vacation leave.

A permanent employee who is transferred from one agency to another shall have his accrued vacation leave transferred to the receiving agency.

The director of the State Department of Personnel shall promulgate such rules and regulations as are necessary to administer this act.".

2. On page 3 line 7 strike "original".

(Signed) Ernest Chambers, Chairman

Miscellaneous Subjects

LEGISLATIVE BILL 419. Indefinitely postponed.

(Signed) J. James Waldron, Chairman

COMMUNICATIONS ON LB 13 and LB 13A

March 21, 1973

Hon. Allen J. Beermann
Secretary of State

State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

RE: LB 13, Eighty-Third Legislature, First Session

Pursuant to the provisions of 84-503, RRS, we are forwarding LB 13 with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 13 notwithstanding the objections of the Governor.

Yours very truly,

(Signed) Vincent D. Brown
Clerk of the Legislature

jj
cc: Governor J. James Exon

CERTIFICATE

Legislative Bill 13 having been returned by the Governor with his objections thereto, and after reconsideration, having passed the Legislature by the constitutional majority, it has become law this 21st day of March, 1973.

(Signed) Frank Marsh, Presiding Officer
President of the Legislature

March 21, 1973

Hon. Allen J. Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Re: LB 13A, Eighty-Third Legislature, First Session

Pursuant to the provisions of 84-503, RRS, we are forwarding LB 13A with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 13A notwithstanding the objections of the Governor.

Yours very truly,

(Signed) Vincent D. Brown
Clerk of the Legislature

jj
cc: Governor J. James Exon

CERTIFICATE

Legislative Bill 13A having been returned by the Governor with his objections thereto, and after reconsideration, having passed the Legislature by the constitutional majority, it has become law this 21st day of March, 1973.

(Signed) Frank Marsh, Presiding Officer
President of the Legislature

VISITORS

President Marsh introduced Mrs. Nancy Cerone, daughter of Mr. Dickinson.

ADJOURNMENT

At 12:09 p.m., on a motion by Mr. C. Carsten, the Legislature adjourned until 9:00 a.m., Thursday, March 22, 1973.

Vincent D. Brown
Clerk of the Legislature

FIFTY-FOURTH DAY—MARCH 22, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

FIFTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 22, 1973

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Marsh presiding.

PRAYER

Prayer was offered by the Chaplain.

> Today we need patience, O Lord our God.
>
> For we grow weary with the hearing and reading and pondering of words upon words, and considering how we might like to punctuate or rephrase or clarify, and determining whether to postpone or approve or defeat.
>
> We need to be patient with ourselves, and perhaps with one another.
>
> But don't make us so patient that we cease to be impatient with things that are not as they should be in Nebraska.
>
> Keep us uncomfortable with ourselves and with each other just so long as conditions remain unchanged which we have the power and the authority to improve. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Wiltse who was excused; Mr. Waldron who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

Page 879, line 20 of the amendment, correct spelling of "certificate".

Page 886, line 27, correct spelling of "vehicles".

The Journal for the Fifty-third Day was approved as corrected.

MESSAGE FROM THE SECRETARY OF STATE

March 21, 1973

Mr. Vince Brown
Clerk of the Unicameral Legislature
State Capitol
Lincoln, Nebraska

RE: L.B. 13 and L.B. 13A
83rd Legislature, First Session

Dear Mr. Brown:

I am in receipt of Legislative bills 13 and 13A on this date March 21, 1973 at 2:30 p.m.

I have also received with these Legislative bills the official certification signed by the Honorable Frank Marsh, President of the Legislature, that both bills after reconsideration, were duly passed by the Legislature notwithstanding the objections of the Governor.

L. B. 13 and 13A have been officially filed in this office and will become law as provided in the Constitution.

Respectfully acknowledged,

(Signed) ALLEN J. BEERMANN
Secretary of State

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 206. Replaced on Select File as amended.
E & R amendments to LB 206:

(Note: The Kennedy amendments adopted 3/19 refer to the Final Reading bill.)

1. In lieu of the Kennedy amendment thereto, on page 5, line 25, strike "or" and insert ",~~or~~" and after "improvements" insert ", or operation and maintenance".
2. In lieu of the first two Kennedy amendments to page 6, on page 6, line 3, insert ", and any other costs related to such project may also be recovered by similar assessments" before the period; and strike beginning with "in" in line 6 through "projects" in line 8.
3. In the Kennedy amendment to page 6, line 9, insert "the second" after "after".
4. In lieu of the Kennedy amendment thereto, on page 7, line 19, insert "; and" after "project" and strike the rest of the line and line 20, showing old matter as stricken.
5. In lieu of the Kennedy amendment to page 8, line 9, on page 8, lines 9 and 10, strike "cause due notice to be given of" and show as stricken and insert "hold".
6. In line 1 of the Kennedy amendment to page 10, line 20, insert an underscored comma before "within".

7. In line 1 of the Kennedy amendment to page 12, line 24, strike "Page 12," and insert "On page 12, after".

8. In the first Kennedy amendment to page 13, line 1, strike "line 1" and insert "lines 1 to 3"; insert a comma after "concerned" in line 2 and after "district" in line 3; and in line 3 insert "show the same as stricken and" after "and".

9. In the Kennedy amendment to page 13, line 4, and to page 13, line 10, insert "show the same as stricken and" after "and".

10. In line 4 of the Kennedy amendment to page 13, line 5, insert an underscored comma after "lands".

11. In the Kennedy amendment to page 13, line 12, insert "~~and~~" after the added comma.

12. In line 1 of the Kennedy amendment to page 13, line 13, strike "strike" '.' and"; in line 6 strike the period and at the end of the line insert "after 'area'.".

LEGISLATIVE BILL 360. Replaced on Select File as amended.
E & R amendment to LB 360:

1. In the title as amended, line 6, insert ", and also sections 28-972 to 28-974, Reissue Revised Statutes of Nebraska, 1943" after "section".

LEGISLATIVE BILL 380. Replaced on Select File as amended.
E & R amendments to LB 380:

1. Add a new section to read:

"Sec. 5. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration of invalidity shall not affect the validity of the remaining portions thereof.".

2. In the title, line 2, insert "; and to provide severability" after "Act".

LEGISLATIVE BILL 77. Placed on Select File as amended.
E & R amendment to LB 77:

1. For correlation purposes, on page 2, lines 2 and 27, and in the title, line 3, insert ", as amended by section 1, Legislative Bill 13, Eighty-third Legislature, First Session, 1973" after "1972"; on page 2, line 19, strike "March 28, 1972" and insert "the effective date of this act"; and in line 23, insert "in addition to those authorized on the effective date of this act" after "technician".

LEGISLATIVE BILL 77A. Placed on Select File.

LEGISLATIVE BILL 162. Placed on Select File as amended.
E & R amendments to LB 162:

1. On page 2, line 8, strike the semicolon.
2. In the title, line 4, strike the second "to provide" and strike line 5.

LEGISLATIVE BILL 162A. Placed on Select File.

LEGISLATIVE BILL 43A. Placed on Select File.

LEGISLATIVE BILL 25. Placed on Select File as amended.
E & R amendments to LB 25:

1. On page 3, line 10, insert "of the performance of such work" after "sheriff".
2. For correlation purposes, in line 2 of new section 1, insert ", as amended by section 2, Legislative Bill 239, Eighty-third Legislature, First Session, 1973" after "1972"; on page 3, line 7, strike "and"; in line 12 strike "and" and insert "(g) volunteer ambulance drivers and attendants who provide ambulance service for any county, city, or village or any combination of such county, city, or village under the authority of section 23-378 shall be deemed employees of the county, city, or village or combination thereof while in the performance of their duties as such ambulance drivers or attendants and shall be considered as having entered into and as acting in the regular course of their employment when traveling from any place from which they have been called to active duty to a hospital or other place where the ambulance they are to use is located or to any emergency in which the volunteer drivers or attendants may be officially called to participate, but such volunteer ambulance drivers or attendants shall be considered as acting in the performance and within the scope of their duties outside of the corporate limits of their respective county, city, or village only if officially directed to do so; and (h) before such volunteer ambulance drivers or attendants shall be entitled to benefits under this act, they shall be confirmed to perform such duties by the county board, or the governing body of the city or village or combination thereof, as the case may be, and upon such confirmation shall be deemed employees of the county, city, or village or combination thereof. Such volunteer ambulance drivers or attendants may be removed by majority vote of such county board or governing body of the city or village; and"; and on page 4, after line 10, insert

"If an employee subject to this act suffers an injury on account of which he or, in the event of his death, his dependents would otherwise have been entitled to the benefits provided by this act, the employee or, in the event of his death, his dependents shall be entitled to the benefits provided under this act if the injury or injury resulting in death occurred within this state, or if at the time of such injury (a) the employment was principally localized within this state, (b) the employer was performing work within this state, or (c) the contract of hire was made within this state.".

3. In lieu of the C. Carsten amendment 3, on page 3, line 25, strike "is" and insert "and section 48-115, Revised Statutes Supplement, 1972, as amended by section 2, Legislative Bill 239, Eighty-third Legislature, First Session, 1973, are".

4. In the title, strike lines 2 to 6 and insert:
"FOR AN ACT relating to liquors; to provide an alternative penalty; to provide duties; to provide employee status for certain offenders working as a condition of probation; to amend section 53-180.05, Revised Statutes Supplement, 1972, and section 48-115, Revised Statutes Supplement, 1972, as amended by section 2, Legislative Bill 239, Eighty-third Legislature, First Session, 1973; and to repeal the original sections.".

(Signed) John J. Cavanaugh, Chairman

STANDING COMMITTEE REPORTS
Constitutional Revision & Recreation

LEGISLATIVE BILL 289. Indefinitely postponed.

(Signed) George Syas, Chairman

UNANIMOUS CONSENT–Unbracket LB 417

Mr. Richendifer asked unanimous consent to unbracket LB 417 on Select File. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 417.

Mr. Richendifer offered the following unanimous consent amendments:

Strike the Standing Committee amendments.

Strike section 1 and insert new section 1 as follows:

Section 1. That section 60-506, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-506. The failure to report an accident, as provided in section 60-505, or correctly give the information required of him by the department in connection with such report shall be a misdemeanor and any person convicted of such misdemeanor shall be fined not more than $50. ~~in the event of injury or damage to the person or property of another in such accident,~~ Failure to report an accident as provided in Section 60-505 in which any person is killed or injured or in which damage to an apparent extent in excess of $250 is sustained to the property of any one person including such operator shall be a misdemeanor and shall also constitute a ground for suspension or revocation of (1) the license or registration for any motor vehicle, or all of scuh licenses and registrations of the person failing to make such report as herein required, and (2) the non-resident's operating privilege of such person.

Mr. Dickinson objected.

Advanced to E & R for Engrossment.

MOTION—Study of Omaha Building

Mr. Carpenter moved that the Governor be requested to make a study through the State Tax Commissioner to determine how the City of Omaha is going to construct a thirty million dollar bank and building complex and construction of parking facilities if leased to private enterprise for profit, using the city's credit and possibly being exempt from real estate taxes and Nebraska State Income taxes; and as a result of such a study, submit a recommendation for the Legislature's consideration.

I further move that if the City of Omaha goes forward with such a project, that the Attorney General be directed to initiate an appropriate action to forestall any effort to create tax exemption for what is primarily a private venture.

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now cease?" The motion prevailed with 25 ayes, 11 nays and 13 not voting.

Mr. Stahmer requested a division of the question. The Chair ruled the question could be divided.

Mr. Carpenter requested a record vote on both paragraphs.

Vote on first paragraph:

Voting in the affirmative, 35:

Anderson	Barnett	Burbach	Carpenter	Chambers
Clark	DeCamp	Dickinson	Duis	Fellman

Fowler	Goodrich	Hasebroock	Kelly	Kennedy
Keyes	Kremer	F. Lewis	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Moylan
Proud	Richendifer	Savage	Schmit	Simpson
Skarda	Stahmer	Stull	Syas	Whitney

Voting in the negative, 0.

Not voting, 14:

C. Carsten	F. Carstens	Cavanaugh	Epke	Johnson
Kime	Murphy	Nore	Rasmussen	Snyder
Stromer	Waldron	Warner	Wiltse	

The first paragraph prevailed with 35 ayes, 0 nays and 14 not voting.

Mr. Proud offered the following amendment to the second paragraph:

Provided that the Attorney General shall proceed only if in his opinion the project is in violation of Nebraska Law.

The Proud amendment was adopted.

Vote on second paragraph as amended:

Voting in the affirmative, 39:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
Cavanaugh	Chambers	DeCamp	Dickinson	Fellman
Fowler	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kime	Kremer	F. Lewis
Luedtke	Mahoney	Maresh	Marsh	Marvel
Moylan	Nore	Proud	Richendifer	Savage
Schmit	Simpson	Skarda	Snyder	Stahmer
Stull	Syas	Warner	Whitney	

Voting in the negative, 0.

Not voting, 10:

F. Carstens	Clark	Duis	Epke	R. Lewis
Murphy	Rasmussen	Stromer	Waldron	Wiltse

The second paragraph, as amended, prevailed with 39 ayes, 0 nays and 10 not voting.

UNANIMOUS CONSENT—Members Excused

Mr. F. Carstens asked unanimous consent to be excused from 10:00 a.m. until 11:00 a.m. today. No objections. So ordered.

Mrs. Marsh asked unanimous consent to be excused Friday, March 23, 1973. No objections. So ordered.

STANDING COMMITTEE REPORTS

Agriculture and Environment

LEGISLATIVE BILL 484. Placed on General File as amended.
Standing Committee amendment to LB 484:

1. On page 2, at the end of line 12, insert "For purposes of this section, the Director of Environmental Control shall review established priorities each six months.".

LEGISLATIVE BILL 497. Placed on General File.

(Signed) Loran Schmit, Chairman

Public Health and Welfare

LEGISLATIVE BILL 92. Placed on General File as amended.
Standing Committee amendments to LB 92:

1. On page 5, after line 11 insert the following new section:

"Sec. 3. That section 43-611, Revised Statutes Supplement, 1972, be amended to read as follows:

43-611. Sufficient funds shall be appropriated by the Legislature to carry out the provisions of section 43-601 and sections 43-604 to 43-616.01, such funds to be channeled through the office of the State Department of Education and the department shall be authorized to expend such funds upon proper vouchers approved by the department and warrants issued by the Director of Administrative Services for (1) financial reimbursement to local school districts or educational service units, including full reimbursement for the amount expended pursuant to sections 43-607 and 43-616.01 for actual transportation expenses per year not to exceed four hundred fifty dollars for handicapped and ~~trainable~~ mentally retarded children, (2) instructional aids and consultative, supervisory, research and testing services to local school districts, and (3) salaries, wages, maintenance, supplies, travel, and other expenses essential to carrying out the provisions for special education."; in line 12 renumber section 3 as section 4 and after "43-607" insert ", 43-611,".

(Signed) Thomas C. Kennedy, Chairman

NOTICE OF COMMITTEE HEARING
Public Health and Welfare

LB 539	Tuesday, April 3, 1973	1:00 p.m.

(Signed) Thomas C. Kennedy, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 146 and 447.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed LB 146 and LB 447.

MOTIONS–Introduce Bills

Mr. Maresh moved the introduction of a new bill by the Committee on Labor (Request No. 839). The motion prevailed with 30 ayes, 1 nay and 18 not voting.

Mr. Maresh moved the introduction of a new bill by the Committee on Labor (Request No. 841). The motion prevailed with 30 ayes, 0 nays and 19 not voting.

Mr. Marvel moved the introduction of a new bill by the Committee on Appropriations (Request No. 862). The motion prevailed with 31 ayes, 0 nays and 18 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 542. By Labor Committee: Maresh, 32nd District, Chairman; Kelly, 35th District; Kime, 43rd District; Cavanaugh, 9th District; Dickinson, 31st District; Kennedy, 21st District; F. Carstens, 30th District.

A BILL FOR AN ACT to make appropriations for the payment of miscellaneous claims against the state; to provide for uncollectible amounts; to provide how payments shall be made; and to declare an emergency.

LEGISLATIVE BILL 543. By Labor Committee: Maresh, 32nd District, Chairman; Kelly, 35th District; F. Carstens, 30th District; Kime, 43rd District; Cavanaugh, 9th District; Dickinson, 31st District; Kennedy, 21st District.

A BILL FOR AN ACT to disallow certain claims against the state.

LEGISLATIVE BILL 544. By Appropriations Committee: Marvel, 33rd District, Chairman; Clark, 47th District; Nore, 22nd District; Johnson, 15th District; Whitney, 44th District; Stahmer, 8th District; Simpson, 46th District; Marsh, 29th District.

A BILL FOR AN ACT relating to the State Department of Education; to create a cash fund; to prescribe its name and purpose; and to provide for deposit and disbursements.

RESOLUTION

LEGISLATIVE RESOLUTION 23.

Introduced by Public Health & Welfare Committee; Kennedy, 21st District, Chairman; Cavanaugh, 9th District; Goodrich, 20th District; F. Lewis, 45th District; R. Lewis, 38th District; Maresh, 32nd District; Schmit, 23rd District.

WHEREAS, the sweeping judgment of the United States Supreme Court in the Texas and Georgia abortion cases expressly deprived the unborn of legal and constitutional protection during their gestation; and

WHEREAS, such judicial holding condones the destruction of an entire class of live human beings; and

WHEREAS, in states in which abortion laws have recently been relaxed or repealed, professional medical ethics and respect for unborn human life has proved to be wholly inadequate for the reasonable protection of the lives of the unborn; and

WHEREAS, a legal threat to the right of life of any individual member of a society imperials the right to life of every other member of that society; and

WHEREAS, human life in all stages is entitled to the protection of the laws and may not be abridged by act of any court or legislature or by any judicial interpretation of the Constitution of the United States; and

WHEREAS, the issue is of such great magnitude – the extent to which human life itself is protected under the Constitution; and

WHEREAS, the Legislature of this state believes it to be in the best interest of the people of the United States that an amendment to the Constitution of the United States be adopted to protect unborn human lives.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Congress of the United States take appropriate action to adopt a Constitutional Amendment that will guarantee the explicit protection of all unborn human life by extending the same constitutional rights, including due process of law, which apply to the unborn in the same manner and to the same extent as all other citizens of the United States, and will guarantee that no human life will be denied protection of law or deprived of life on account of age, sickness, stage of development, or condition of dependency or wantedness.
2. That the Clerk of the Legislature transmit a copy of this Resolution to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, each member of the Nebraska Congressional delegation, each member of the United States Supreme Court, and to the legislatures of each of the several states.

Laid over.

UNANIMOUS CONSENT–Member Excused

Mr. Kennedy asked unanimous consent to be excused, Friday, March 23. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 185. Considered.

Mr. Goodrich renewed his pending motion to indefinitely postpone found in the Journal on page 422 for the Forty-seventh Day. Motion pending.

LEGISLATIVE BILL 235. Title read. Considered.

Standing Committee amendment found in the Journal on page 542 for the Thirty-fifth Day was adopted.

Laid over temporarily.

LEGISLATIVE BILL 185. Considered.

Mr. Goodrich renewed his pending motion referred to in today's Journal to indefinitely postpone.

Mr. Carpenter requested a record vote.

Voting in the affirmative, 23:

Carpenter
C. Carsten
Clark
Dickinson
Epke
Goodrich
Johnson
Kennedy
Kime
Kremer
R. Lewis
Maresh
Marvel
Murphy
Nore
Proud
Rasmussen
Skarda
Snyder
Stull
Syas
Warner
Whitney

Voting in the negative, 16:

Barnett
Cavanaugh
Chambers
DeCamp
Fellman
Fowler
Kelly
Keyes
F. Lewis
Luedtke
Mahoney
Marsh
Moylan
Schmit
Simpson
Stahmer

Not voting, 10:

Anderson
Burbach
F. Carstens
Duis
Hasebroock
Richendifer
Savage
Stromer
Waldron
Wiltse

The motion prevailed with 23 ayes, 16 nays and 10 not voting.

LEGISLATIVE BILL 235. Considered.

Mr. Goodrich moved to indefinitely postpone.

Mr. Carpenter requested a record vote.

Voting in the affirmative, 15:

Carpenter
Clark
DeCamp
Dickinson
Epke
Goodrich
Kennedy
Kremer
Marvel
Murphy
Snyder
Stromer
Stull
Syas
Whitney

Voting in the negative, 28:

Anderson
Barnett
C. Carsten
Cavanaugh
Chambers
Duis
Fellman
Fowler
Hasebroock
Kelly
Keyes
Kime
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Moylan
Nore
Proud
Rasmussen
Savage
Schmit
Simpson
Skarda
Stahmer
Warner

Not voting, 6:

Burbach
F. Carstens
Johnson
Richendifer
Waldron
Wiltse

Mr. Goodrich offered the following amendments:

1. Reinstate the stricken matter on pages 2 and 3; and in the reinstated matter strike "twenty-four" on page 2, line 26, and insert "~~twenty-four~~ forty" and on page 3, line 1, strike "thirty-four" and insert "~~thirty-four~~ forty".

2. Strike sections 2 and 3 and renumber original section 4 as section 2.

The amendments lost with 17 ayes, 19 nays and 13 not voting.

Mr. Schmit moved to advance LB 235 to E & R for Review.

Mr. Chambers moved for a Call of the House. The motion prevailed with 26 ayes, 7 nays and 16 not voting.

The Call showed 44 members present.

Mr. Chambers moved the Call be raised. The motion prevailed with 40 ayes, 0 nays and 9 not voting.

Advanced to E & R for Review with 25 ayes, 15 nays and 9 not voting.

ANNOUNCEMENT

Mr. Schmit announced that there would be an Executive Session of the Committee on Agriculture and Environment at 2:00 p.m. this afternoon in the East Senate Lounge.

UNANIMOUS CONSENT–Members Excused

Mr. Duis asked unanimous consent to be excused Friday, March 23 until he arrives. No objections. So ordered.

Mr. Nore asked unanimous consent to be excused Friday, March 23. No objections. So ordered.

Mr. Waldron asked unanimous consent to be excused the remainder of today and tomorrow. No objections. So ordered.

MESSAGE FROM THE GOVERNOR

March 21, 1973

Mr. Vince Brown
Clerk of the Legislature
State House
Lincoln, Nebraska

Dear Mr. Brown:

We have received Reengrossed Legislative Bill No. 102, and Engrossed Legislative Bills Nos. 167, 194, 232, and 273.

These bills were signed by me on March 21, 1973 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:fw

REFERENCE COMMITTEE REPORT

LB	**Committee**
542	Labor
543	Labor
544	Appropriations

(Signed) Terry Carpenter, Chairman
Executive Board

STANDING COMMITTEE REPORTS

Education

LEGISLATIVE BILL 432. Indefinitely postponed.

LEGISLATIVE BILL 238. Placed on General File as amended.
Standing Committee amendment to LB 238:

1. On page 2, line 9 strike the comma between "liberal" and "fine" and insert "and", after "fine" strike ", and applied"; in line 11 insert "academic" between "related" and "fields", strike ", generally" and show "generally" as stricken; in line 13 strike "college" and insert "~~college~~ colleges"; in line 14 strike "as" and show as stricken; and strike all new matter in lines 16 to 18 and insert "that lead to a terminal academic or baccalaureate degree".

LEGISLATIVE BILL 321. Placed on General File.

LEGISLATIVE BILL 358. Placed on General File.

(Signed) Jerome Warner, Chairman

Labor

LEGISLATIVE BILL 371. Indefinitely postponed.

LEGISLATIVE BILL 372. Placed on General File.

(Signed) Richard Maresh, Chairman

VISITORS

President Marsh introduced 28 6th grade students from Brownell School, Lincoln and Mr. Glenn Byrd, teacher and Mr. Robert VandenBosch, student teacher.

President Marsh introduced 28 6th grade students from Kenesaw Public School, Kenesaw and Mrs. Gale Archer, teacher.

President Marsh introduced 13 Seniors from Burwell High School, Burwell and Mr. Lester Piper, teacher and Mr. Bob Petersen, sponsor.

President Marsh introduced 43 students from Northside School, Nebraska City and teachers Mesdames Hartford, Thornhill, Kanaliek, Curtis, Bogle, Clymens and Smergen.

President Marsh introduced 40 7th grade students from Wayne Middle School, Wayne and teachers Messrs. Dan Johnson and John Shupe.

ADJOURNMENT

At 12:07 p.m., on a motion by Mr. C. Carsten, the Legislature adjourned until 9:00 a.m., Friday, March 23, 1973.

Vincent D. Brown
Clerk of the Legislature

FIFTY-FIFTH DAY—MARCH 23, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

FIFTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 23, 1973

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Marsh presiding.

PRAYER

The prayer was offered by the Chaplain.

> O God: Make the door of this house wide enough to receive all who need human love and fellowship, narrow enough to shut out all envy, pride and strife.
>
> Make its threshold smooth enough to be no stumbling block to those who seek the welfare of their fellows, but rugged and strong enough to turn back all who would do them ill.
>
> O God, make the door of this house to be the gateway to some small part at least of your eternal kingdom. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Luedtke, Kremer, Marsh, Hasebroock, Nore, Cavanaugh, Kennedy, Simpson, Stull and Waldron who were excused; Messrs. Duis and Clark who were excused until they arrive; Mr. DeCamp who was excused until 10:00 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-fourth Day was approved.

ANNOUNCEMENT

Mr. Proud announed he has prepared a list of non-controversial bills to be considered this morning on General File.

MOTION—All Day Session

Mr. Proud moved we start all day sessions staring Monday, March 26, 1973. The motion prevailed with 26 ayes, 0 nays and 23 not voting.

MOTION–Friday Sessions

Mr. Chambers moved we not meet on Fridays the remainder of the session.

Mr. Burbach moved to amend the Chambers motion to determine each Monday morning whether to meet on the next Friday.

The Burbach amendment prevailed.

The Chambers motion, as amended, lost with 21 ayes, 9 nays and 19 not voting.

UNANIMOUS CONSENT–Member Excused

Mr. Fred Carstens asked unanimous consent to be excused Tuesday, March 27. No objections. So ordered.

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on March 23, 1973 at 8:45 a.m. were the following bills: 447 and 146.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 452. Replaced on Select File as amended.
E & R amendments to LB 452:

1. In the last line of the Marvel amendment 16, insert "of section 31" after "10".

2. In the Marvel amendment 18, line 17, strike "they" and insert "it"; in line 22, strike "(a) of section 40 (2)" and insert "(2) (a) of this section"; in line 25, insert an underscored comma after "sale"; in lines 32 and 33 and line 42, strike "of the Department of Governmental Services"; in line 35, strike "Department of Governmental Services" and insert "department"; in line 39 strike "Within one week after" and insert "As of" and insert an underscored comma at the end of the line; in line 44, insert "it shall," after the comma; and strike line 45 and insert "act,".

3. In lieu of all previous amendments to page 39, lines 22 to 24, strike such lines and insert:

"Sec. 48. (1) The Governor shall appoint a Superintendent of Buildings and Grounds who shall have the duties provided in this section.

(2) The Superintendent of Buildings and Grounds shall".

4. On page 39, line 26, strike the first comma and insert "and" and insert an underscored period after the second "grounds" and strike the remainder of the sentence continuing on to page 40.

5. On page 40, line 4, strike the comma and insert "and"; in line 5, insert an underscored period after "grounds" and strike the remainder of the sentence; and in line 16, strike "or buildings leased".

6. On page 41, line 13, strike "and apartments"; in line 14, strike "and buildings leased"; and in line 23, strike "or leased".

7. On page 42, line 3, strike "or leased".

8. In the Marvel amendment 27, line 4, strike the semicolon and insert a period and strike lines 5 and 6.

9. In new section 49, line 1, strike "appoint" and insert an underscored comma; in line 2, insert "appoint" after the comma; in line 18, strike "function" and insert "functions"; and in line 26, insert an underscored comma after "remodeling".

10. On page 47, lines 13 and 27, strike "51" and insert "52".

11. In line 2 of the Marvel amendment 29, strike "51 to 53" and insert "52 to 54".

12. Renumber the new section added by the Marvel amendment 30 as section 56; in line 2 thereof strike "A-95" and insert "A-87"; in line 3, strike "an agency" and insert "such agency as may, for administrative purposes, be"; at the end of line 6, insert "in form as provided in this section"; in line 7, strike ", if" and insert "if,"; and in line 27, strike the comma.

13. In the last line of the Marvel amendment 30, strike "55" and "56" and insert "54" and "55" respectively.

14. Restore original numbers to original sections 57 to 65.

15. In the Marvel amendment 31, strike beginning with the semicolon in line 11 through "68" in line 12.

16. Renumber original sections 66 and 67 as sections 68 and 69, and new section 67 found in E & R amendment 49 adopted 3/12/73 as section 70.

17. In the title as amended, line 9, insert "to prohibit certain contracts; to provide severability;" after the first semicolon.

(Signed) John J. Cavanaugh, Chairman

COMMUNICATION

Acknowledged receipt of Senate Resolution 493 from the State of Rhode Island regarding "Meatless Day".

RETIREMENT SYSTEMS REPORT

March 23, 1973

TO THE MEMBERS OF THE LEGISLATURE:

This is a report by the Retirement Systems Committee relative to the following approved motion by the Legislature made by Senator George Syas: "I move that the Retirement Committee review the law pertaining to the Retirement Program of State Senators with the possibility of bringing a court suit."

The Retirement Committee held a meeting with Mr. Ralph Gillan of the Attorney General's office, with members of the Public Employees Retirement Board, and with Senator George Syas.

Senator Syas stated:

(1) That it was the intent of the Legislature that State Senators were to be included in a retirement program with other state employees when the law became effective in 1964.

(2) That the motion approved by the Legislative Council to the effect that the Public Employees Retirement Board return the Senator's share of the retirement withholdings with interest, should not have been considered effective because it was not affirmed by the Legislature while it was in session and the Board did not pay interest on the money as requested.

(3) That in his judgement the courts would find the retirement program for State Senators constitutional as was so determined of the Retirement System for Judges who are also elected officials.

(4) The retirement program for Senators should be reinstated.

Senator Syas recommended that the Legislature pass a Resolution initiating a friendly lawsuit to determine the constitutionality of including State Senators in a retirement program whereby both the employees' and employers' contributions would be considered as a portion of the retirement program.

A member of the PERB replied that the money was returned without interest because of the Attorney General's opinion. He said that the Senators were not entitled to the employers contributions because they represented an addition to their salary which was prohibited in the Constitution and that interest could not be paid because it cannot be paid unless specifically authorized by statute and there is a question if a law could be enacted in this regard and be constitutional.

The Attorney General said that if PERB had not accepted the advice of the Attorney General they may be personally liable if the retirement system were found for Senators unconstitutional and if any of the state's retirement contributions had been paid out.

The Director of PERB said no Senators were receiving any retirement benefits, implying that so far no liability had to this date been created and there would not be unless the state's share was paid out.

The Attorney General felt that the Legislature had the right to authorize expenditures for a friendly lawsuit. It could be done by Resolution. It would not be necessary to reinstate the retirement program to test the constitutionality of the retirement system for state Senators.

The Attorney General didn't know of any legal way the Board could accept a reinstatement of the retirement system for Senators.

The Attorney General also said that under no circumstances could the retirement program be constitutional for an elected official during his term of office when the retirement program was first put into effect.

Obviously, only the court could determine if inclusion of the Senators in the retirement program were constitutional after that.

A question arose as to where the state matching funds went that were not returned to the Senators? The answer was, it was returned to the state.

Another question was, where did the interest from the Senators contributions go? The answer was the interest was used to fund prior service benefits for other state employees.

Another question was how much interest was lost by Senators with greatest length of service? The answer was $97.25 for the Senators contributions and $277.10 on the employers contributions or a total of $374.35 for those Senators in the Legislature since 1964 provided the Senator's participation were constitutional. The total interest lost by all the Legislators' amounted to $1700.00. I have calculated the approximate amount of interest on the employers share and it is about $4800.00. This makes a possible total of $6500.00, the maximum employee – employer dollars involved.

If a friendly lawsuit were to be brought it could probably be against PERB or it could be brought by an individual against PERB.

The committee was at a loss to determine exactly what grounds could be used for filing a lawsuit. It was felt that the loss of image of the Legislature may be greater than the dollar value of the potential winnings.

Therefore a motion was made as follows, "The committee has thoroughly reviewed the entire matter including a review with the Attorney General and Senator Syas and we feel that it would be inappropriate to take any further action."

The motion was approved by Senators, Whitney, Hasebroock, Goodrich and Luedtke; with Senators Marvel and F. Lewis not voting because of absence.

(Signed) Ramey C. Whitney, Chairman

UNANIMOUS CONSENT–Bracket LB 417

Mr. Richendifer asked unanimous consent to bracket LB 417 on E & R Final. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 206. E & R amendments found in the Journal on page 898 for the Fifty-fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 360. E & R amendment found in the Journal on page 899 for the Fifty-fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 380. E & R amendments found in the Journal on page 899 for the Fifty-fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 77. E & R amendment found in the Journal on page 899 for the Fifty-fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 77A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 162. E & R amendments found in the Journal on page 899 for the Fifty-fourth Day were adopted.

Mr. Waldron offered the following unanimous consent amendment which was adopted:

In line 6 strike "five" and in line 7 strike "hundred".

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 162A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 43A. Bracketed at the request of Mr. Stull.

LEGISLATIVE BILL 25. E & R amendments found in the Journal on page 900 for the Fifty-fourth Day were adopted.

Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORT
Committee on Committees

March 23, 1973

The Committee on Committees desires to report favorably upon the appointments listed below which were submitted by Governor J. James Exon. The committee suggests that the appointments be confirmed by this Legislative Body and suggests a record vote:

Kenneth Zimmerman – Game and Parks Commission

Committee Vote: For: (8) Senators Epke, Johnson, Luedtke, Nore, Snyder, Stromer, Stull, Whitney

Against: None

Present and not voting: (1) Senator Stahmer

Absent and not voting: (4) Senators Barnett, Chambers, Duis and Wiltse

Thomas J. Fitchett – Power Review Board

Committee Vote: For: (9) Senators Epke, Johnson, Luedtke, Nore, Snyder, Stromer, Stull, Stahmer and Whitney

Against: None

Absent and not voting: (4) Senators Barnett, Chambers, Duis and Wiltse

Respectfully submitted,

(Signed) Ramey C. Whitney, Chairman
Committee on Committees

UNANIMOUS CONSENT—Member Excused

Mr. Barnett asked unanimous consent to be excused Thursday and Friday, March 29 and 30. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 5. Title read. Considered.

Mr. Skarda offered the following amendment to the Standing Committee amendments which was adopted:

Strike the word "industry", insert word "products", page 2, line 5.

Standing Committee amendment found in the Journal on page 619 for the Thirty-eighth Day was adopted as amended.

Mr. Goodrich asked unanimous consent to withdraw his pending amendments found in the Journal on page 120 for the Sixth Day. No objections. So ordered.

Advanced to E & R for Review with 30 ayes, 0 nays and 19 not voting.

LEGISLATIVE BILL 164. Title read. Considered.

Standing Committee amendments referred to in the Journal on page 631 for the Thirty-ninth Day were adopted.

Advanced to E & R for Review with 30 ayes, 0 nays and 19 not voting.

UNANIMOUS CONSENT–Change of Order

Mr. Marvel asked unanimous consent to consider LB 452 on Select File at this time. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 452. E & R amendments found in today's Journal were adopted.

Advanced to E & R for Engrossment.

Mr. Marvel asked unanimous consent to expedite LB 452. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 309. Title read. Considered.

Standing Committee amendments found in the Journal on page 632 for the Thirty-ninth Day were adopted.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 425. Title read. Considered.

Standing Committee amendment found in the Journal on page 633 for the Thirty-ninth Day was adopted.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 412. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 429. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 430. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 435. Title read. Considered.

Laid over at the request of Mr. Carpenter.

LEGISLATIVE BILL 441. Title read. Considered.

Standing Committee amendments found in the Journal on page 646 for the Fortieth Day were adopted.

Advanced to E & R for Review with 30 ayes, 0 nays and 19 not voting.

LEGISLATIVE BILL 483. Title read. Considered.

Laid over at the request of Mr. Schmit.

LEGISLATIVE BILL 384. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays and 20 not voting.

LEGISLATIVE BILL 110. Title read. Considered.

Standing Committee amendments found in the Journal on page 678 for the Forty-second Day were adopted.

Mr. F. Carstens offered the following amendments which were adopted:

(1) On Page 3, Line 21, strike "The time and place of meetings"; strike Lines 22, 23, 24, 25, 26 and 27.

(2) On Page 4, strike Lines 1 through 27 inclusive.

(3) On Page 5, Line 8, strike "meet and".

(4) On Page 5, Line 17, renumber Section 3 by numbering as Section 4.

(5) On Page 9, Line 26, after the word "individual" of the new matter as amended by the committee insert the word "commissioner".

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 496. Title read. Considered.

Standing Committee amendments found in the Journal on page 686 for the Forty-third Day were adopted.

Advanced to E & R for Review with 29 ayes, 0 nays and 20 not voting.

LEGISLATIVE BILL 415. Title read. Considered.

Laid over at the request of Mr. Keyes.

LEGISLATIVE BILL 457. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 250. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays and 20 not voting.

LEGISLATIVE BILL 280. Title read. Considered.

Standing Committee amendments found in the Journal on page 718 for the Forty-fourth Day were adopted.

Advanced to E & R for Review with 29 ayes, 0 nays and 20 not voting.

LEGISLATIVE BILL 281. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 282. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays and 19 not voting.

LEGISLATIVE BILL 431. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays and 19 not voting.

LEGISLATIVE BILL 182. Title read. Considered.

Standing Committee amendment found in the Journal on page 752 for the Forty-sixth Day was adopted.

Mr. Epke offered the following amendments which were adopted:

1. On page 4, lines 12, 14, and 21, strike "shall" and insert "may".
2. On page 5, line 24, strike "for sale at" and insert "at the first point of sale by"; and in line 26, strike "tattooed" and insert "identified by the farm of origin".
3. On page 6, lines 4 and 6, strike "tattoo" and insert "identify"; in line 7, strike "file" and insert "maintain"; in line 8, insert "for a period of time designated by the bureau and make such reports available to the bureau upon request" after "bureau".
4. On page 7, line 5, insert "Inspection" after "Health".

Advanced to E & R for Review with 31 ayes, 0 nays and 18 not voting.

LEGISLATIVE BILL 182A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 324. Title read. Considered.

Standing Committee amendment found in the Journal on page 752 for the Forty-sixth Day was adopted.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 346. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 463. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

SPEAKER PROUD PRESIDING

LEGISLATIVE BILL 114. Title read. Considered.

MR. CHAMBERS PRESIDING

Standing Committee amendments found in the Journal on page 762 for the Forty-sixth Day were considered.

Laid over at the request of Mr. Carpenter.

LEGISLATIVE BILL 344. Title read. Considered.

Standing Committee amendment found in the Journal on page 769 for the Forty-sixth Day was adopted.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 356. Title read. Considered.

Standing Committee amendment found in the Journal on page 783 for the Forty-seventh Day was adopted.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

UNANIMOUS CONSENT–Member Excused

Mr. Barnett asked unanimous consent to be excused the remainder of the morning. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 512. Title read. Considered.

Standing Committee amendment found in the Journal on page 800 for the Forty-eighth Day was adopted.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 488. Title read. Considered.

Standing Committee amendment found in the Journal on page 816 for the Forty-ninth Day was adopted.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 489. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 277. Title read. Considered.

Standing Committee amendments found in the Journal on page 820 for the Forty-ninth Day were adopted.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 523. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 399. Title read. Considered.

Standing Committee amendment found in the Journal on page 870 for the Forty-second Day was adopted.

Laid over at the request of Mr. Anderson.

PRESIDENT MARSH PRESIDING

LEGISLATIVE BILL 319. Considered.

Laid over at the request of Mr. Warner.

LEGISLATIVE BILL 363. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 416. Title read. Considered.

Standing Committee amendment found in the Journal on page 660 for the Forty-first Day was rejected.

The R. Lewis pending amendments found in the Journal on page 725 for the Forty-fifth Day were adopted.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 381. Title read. Considered.

Mr. Carpenter offered the following amendment, which was adopted:

> Add the emergency clause.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

UNANIMOUS CONSENT—Members Excused

Messrs. Whitney, R. Lewis and Snyder asked unanimous consent to be excused at this time. No objections. So ordered.

MOTION—Place LB 48 on General File

Mr. Stahmer moved to place LB 48 on General File notwithstanding the Committee action. Motion pending.

NOTICE OF COMMITTEE HEARING

Appropriations

LB 544 Monday, April 2, 1973 1:30 p.m.

(Signed) Richard D. Marvel, Chairman

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 177, 228, 248, 355, 395 and 446.

(Signed) John J. Cavanaugh, Chairman

MOTION–Approve Salary Schedule

Mr. Carpenter moved the approval of the Legislative Council Employee Salary Schedule as previously placed on the members desks. The motion prevailed.

STANDING COMMITTEE REPORTS

Labor

LEGISLATIVE BILL 320. Placed on General File as amended.
Standing Committee amendment to LB 320:

1. On page 2 line 22 strike "and" and insert "per unit plus"; strike "per"; and strike "~~unit~~".

LEGISLATIVE BILL 333. Placed on General File.

(Signed) Richard Maresh, Chairman

Government, Military and Veteran's Affairs

LEGISLATIVE BILL 7. Placed on General File as amended.
Standing Committee amendment to LB 7:

1. On page 3, line 6 insert after the word "board" the following: "; Provided, that when a county clerk also has the duties of other county offices the minimum bond shall be two thousand dollars".

LEGISLATIVE BILL 187. Placed on General File as amended.
Standing Committee amendment to LB 187:

1. Strike sections 1 to 8 and insert the following new sections 1 to 7:

"Section 1. It is the intent and purpose of this act to establish a uniform procedure to be used in acquiring private property for a public purpose by the State of Nebraska and its political subdivisions and by all privately-owned public utility corporations and common carriers which have been granted the power of eminent domain; Provided, that this act shall not apply to:

(1) Gas and water transmission and distribution pipe lines and their appurtenances, common carrier pipe lines and their appurtenances or to public utilities when acquiring property for a proposed project involving the acquisition of rights or interests in ten or fewer separately-owned tracts or when the acquisition is within the corporate limits of any city or village;

(2) The proposed location of electric pole lines or underground lines with a voltage capacity of less than thirty-four thousand five hundred volts;

(3) Counties and municipalities which acquire land for widening or straightening a road or highway;

(4) Common carriers subject to regulation by the Federal Railroad Administration of the United States Department of Transportation; or

(5) The Department of Roads when acquiring property for highway construction or improvements.

Sec. 2. As used in this act, unless the context otherwise requires:

(1) Agency shall include the State of Nebraska and any department, board, commission, or similar entity thereof which possesses the authority to acquire property either with or without the use of eminent domain, any political subdivision of the State of Nebraska, and any privately-owned public utility corporation or common carrier which possesses the authority to acquire property through the use of eminent domain; and

(2) Property shall include any right or interest in real property, including, but not limited to, easements but shall not include easements for public utilities located adjacent to and within ten feet of a public road right-of-way.

Sec. 3. Any agency which proposes to acquire private property for a public purpose shall give notice of such proposed acquisition at least ninety days before beginning negotiations for such acquisition. The notice shall be directed to each owner of property over or across which any right or interest is to be acquired, and shall be deemed properly given if delivered personally or mailed by registered or certified mail addressed to the property owner and to the address shown on the tax records in the office of the county treasurer; Provided, that such notice shall be sufficient if given to the administrator or executor of the estate of a deceased person, the trustee of a trust estate, the guardian of the estate of a minor or incompetent person, or a conservator. The notice shall describe the property proposed to be acquired and, where the acquisition involves a highway, power line, or similar project, shall include a map showing the proposed route to be followed by the project.

Sec. 4. After giving notice pursuant to section 3 of this act, the agency shall hold a public hearing on the proposed project and acquisition at least thirty days before beginning negotiations for such acquisition.

Where the proposed acquisition consists of property from more than one county, the hearing shall be held in a central location. Where the proposed acquisition is county-wide in scope, the hearing shall be held at the county seat. Where the proposed acquisition involves a lesser area, the hearing shall be held in a location convenient to the property to be acquired.

At the hearing, the agency shall explain the nature of and necessity for the project for which it seeks to acquire property, the reasons for selecting the particular location or route, and the right of each owner of property to be represented by an attorney and to negotiate and accept or reject the offer of damages which will be sustained by the proposed acquisition, and the right to require that such damages be determined pursuant to the procedures for acquisition by eminent domain. The agency shall hear and consider any objections from the persons to be affected.

If the agency relocates the proposed project following such hearing and such relocation would require the acquisition of rights or interests in the property of more than ten additional owners of separately-owned tracts to whom notice was not previously given, the agency shall give notice as provided in section 3 of this act to such additional owners and shall hold a public hearing as provided in section 4 of this act with reference solely to that part of the project which has been relocated; Provided, that the time restrictions in sections 3 and 4 of this act shall not be applicable to any such additional notice, hearing or negotiations.

Sec. 5. Sections 1 to 5 of this act shall be construed to be cumulative, and independent legislation, and complete in themselves.

Sec. 6. That section 70-301, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

70-301. Any public power district, corporation, or municipality that is now or may hereafter be engaged in the generation or transmission, or both, of electric energy for sale to the public for light and power purposes, may acquire right-of-way over and upon lands, except railroad right-of-way and depot grounds, for the construction of pole lines or underground lines necessary for the conduct of such business, and for the placing of all poles and constructions for the necessary adjuncts thereto, in the same manner as railroad corporations may acquire right-of-way for the construction of railroads. Such district, corporation or municipality shall give public notice of the proposed location of such pole lines or underground lines with a voltage capacity of thirty-four thousand five hundred volts or more which involves the acquisition of rights or interests in more than ten separately-owned tracts by causing to be published a map showing the proposed line route in a legal newspaper of general circulation within the county where such line is to be constructed at least thirty days before negotiating with any person, firm, or corporation to acquire easements or property for such purposes, and shall consider all objections which may be filed to such location. After securing approval from the ~~State Railway Commission~~ Public Service Commission and having complied with the provisions of sections 86-301 to 86-332, such public power districts, corporations, and municipalities shall have the right to condemn a right-of-way over and across railroad right-of-way and depot grounds for the purpose of crossing the same. The procedure to condemn property shall be exercised in the manner set forth in sections 76-704 76-724.

Sec. 7. That original section 70-301, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

LEGISLATIVE BILL 217. Placed on General File.

LEGISLATIVE BILL 267. Placed on General File.

LEGISLATIVE BILL 310. Placed on General File.

LEGISLATIVE BILL 341. Placed on General File.

LEGISLATIVE BILL 377. Placed on General File.

(Signed) Ernest Chambers, Chairman

Urban Affairs

LEGISLATIVE BILL 315. Placed on General File as amended. Standing Committee amendment to LB 315:

1. Add two new sections to be known as sections 2 and 3, to read as follows:

"Sec. 2. Any person who violates section 1 of this act shall, upon conviction, be dismissed from his position as a law enforcement officer and be fined not less than one thousand dollars nor more than five hundred dollars.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

LEGISLATIVE BILL 345. Placed on General File as amended. Standing Committee amendment to LB 345:

1. Insert two new sections to read as follows:

"Sec. 2. That section 75-303, Revised Statutes Supplement, 1972, be amended to read as follows:

75-303. The provisions of sections 75-301 to 75-322.01 shall apply to the transportation of passengers or property by motor carriers for hire engaged in intrastate commerce except:

(1) A motor carrier for hire engaged in the transportation of school children and teachers to and from school;

(2) A motor carrier for hire operated in connection with a part of a streetcar system;

(3) A motor carrier for hire engaged in the transportation of newspapers under a contract with the publisher or a distributor thereof if no other property or person is being transported for hire on the same load with such newspapers;

(4) The operation of any motor carrier owned in any city or village of this state engaged in the

transportation of property within such city or village or within a radius of five miles beyond the corporate limits thereof;

(5) To ranch, dairy, or farm products, including livestock, being transported by motor vehicle from or to any ranch, dairy, farm, feedlot or any market;

(6) To supplies or merchandise being transported by motor vehicle from or to any ranch, dairy, feedlot or farm for use thereon when originating at or destined to a neighboring trading point or points;

(7) To ambulances or their owners or to hearses, or to automobiles used exclusively as an incident to conducting a funeral;

(8) To motor vehicles owned and operated by any industrial, processing or manufacturing plant when used by such plant in the transportation of raw materials and supplies to its plant or plants, or in the delivery of its products, supplies, or raw materials to purchasers thereof, when not for hire;

(9) To star route carriers employed by the post-office department of the United States while operating a motor vehicle not exceeding one half ton manufacturer's rated capacity on their regular routes;

(10) To wrecked or disabled motor vehicles being transported by winch or tow truck;

(11) To a motor carrier exempt by the provisions of subdivision (1) of this section who hauls for hire, (a) persons of a religious, fraternal, educational, or charitable organization, (b) pupils of a school to athletic events, and (c) players of American Legion baseball teams when the point of origin or termination is within five miles of the domicile of the carrier;

(12) To motor vehicles, owned and operated by farmers or ranchers, when hauling gravel or other road building material by agreement with the county board of the county in which their farms or ranches are situated for use upon the public roads within such county, and where the compensation for the use of such motor vehicles shall not exceed the reimbursement for the motor vehicle fuel used during such hauling; and

(13) A motor carrier operated by a city and engaged in the transportation of passengers ~~after the electors of the city have approved city ownership and operation~~ and such exempt operations shall be no broader than those authorized in intrastate commerce at the time the city or other political subdivision assumed ownership of the operation.

Sec. 3. That original section 75-303, Revised Statutes Supplement, 1972, is repealed.".

(Signed) Duke Snyder, Chairman

VISITORS

President Marsh introduced 37 7th grade students from Wayne Middle School, Wayne and teachers Messrs. Dan Johnson and John Shupe.

ADJOURNMENT

At 12:05 p.m., on a motion by Speaker Proud, the Legislature adjourned until 10:00 a.m., Monday, March 26, 1973.

Vincent D. Brown
Clerk of the Legislature

FIFTY-SIXTH DAY—MARCH 26, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

FIFTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 26, 1973

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Marsh presiding.

PRAYER

The prayer was offered by the Chaplain.

> Father Almighty from all eternity:
>
> In whose eyes a thousand years are but as yesterday when it is past, and as a watch in the night: guide and direct the Nebraska legislature as we prepare now to invest yet another of the segments of time entrusted to our use.
>
> The needs of the moment are many and pressing, and we may be inclined to forget that current needs seem always of such magnitude; therefore we would ask that they might not seem so overwhelming in our thoughts as to obscure the more distant goals toward which we should be advancing.
>
> We feel that we might become better equipped to handle the pressures of the present, if our roots are sent deep into the soil of eternal values.
>
> This is why we pray just now. Not because of any worthiness on our part; not because of any inherent right to special privilege or favor; but simply because we want to do our part to improve the allotment of time which is uniquely our own.
>
> So hear us, and help us today—and throughout this week. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Carpenter, Murphy and C. Carsten who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-fifth Day was approved.

UNANIMOUS CONSENT—Members Excused

Messrs. Richendifer and Dickinson asked unanimous consent to be excused tomorrow morning. No objections. So ordered.

ATTORNEY GENERAL OPINIONS

March 23, 1973

Senator Fred W. Carstens
Nebraska State Legislature
State Capitol
Lincoln, Nebraska

Dear Senator:

In your letter of March 16, 1973, you request an opinion as to the constitutionality of the provisions of lines 21 to 26 of Section 14, on page 15 of the amendments to L. B. 164. Section 14 of L. B. 164 amends Section 8-148, R. R. S. 1943, which deals with loans and investments by state banks. Lines 21 to 26 of this section, which you inquire about, provide as follows:

> "Notwithstanding the provisions of this section, any bank may invest in the shares of any savings and loan association in an amount not exceeding that insured by the Federal Savings and Loan Insurance Corporation or in noninsured savings and loan associations as the Director of Banking may approve."

We see no difficulty with respect to the authorization to invest in such associations up to the amount of federal insurance. However, we believe that the authorization to invest in noninsured savings and loan associations as the Director of Banking may approve constitutes an unconstitutional delegation of legislative authority to the Director of Banking.

In Lincoln Dairy Co. v. Finigan, 170 Neb. 777, 104 N. W. 2d 227, the court said:

> "It is fundamental that the Legislature may not delegate legislative power to an administrative or executive authority. Smithberger v. Banning, 129 Neb. 651, 262 N. W. 492, 100 A. L. R. 686. The Legislature does have the power to authorize an administrative or executive department to make rules and regulations to carry out an expressed legislative purpose, or for the complete operation and enforcement of a law within designated limitations. Such authority is administrative in its nature and its use by administrative officers is essential to the complete exercise of the powers of all departments. State ex rel. Martin v. Howard, 96 Neb. 278, 147 N. W. 689. It is fundamental,

> also, that in the Legislative grant of power to an administrative agency such power must be limited to the expressed legislative purpose and administered in accordance with standards prescribed in the legislative act. * * *."

We find absolutely no standards to guide the Director in determining whether or not investments in noninsured savings and loan associations shall be authorized, or in determining the limitations of such investments. This section, as amended, would apparently give him carte blanche authority to make any decisions he wished in the field. The determination of authorized investments for state banks is a legislative function, and cannot be delegated to the Director of Banking without adequate standards to guide him in the exercise of this authority. For this reason, we believe that the amendment you inquire about may be vulnerable to constitutional attack.

Very truly yours,

CLARENCE A. H. MEYER
Attorney General

(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:ejg

cc Mr. Vincent D. Brown
Clerk of the Legislature

March 23, 1973

Senator Loran Schmit
State Capitol
Lincoln, Nebraska 68509

Dear Senator Schmit:

You have asked our opinion relative to a problem existing in your legislative district and which pertains to students who attend a non-public school and who take certain classes in the public school on a part-time basis. Upon giving due consideration to your request we regret that we cannot specifically answer your question in connection therewith as it would violate established policy. In our letter to Mr. Vincent D. Brown under date of December 28, 1972, which is published on pages 36 and 37 of the Legislative Journal, we stated in part as follows:

> "* * * . Also, we will not give an opinion to an individual senator on the constitutionality of or interpretation of a bill which has already become law. If there is a question as to its interpretation, we will be glad to work with the senator and the bill drafter in developing clarifying legislation."

Very truly yours,

CLARENCE A. H. MEYER
Attorney General

(Signed) Harold Mosher
Assistant Attorney General

HM:jc

cc: Vincent D. Brown
Clerk of the Legislature

COMMUNICATION

U. S. Department of Transportation
Federal Highway Administration
Washington, D. C. 20590

March 22, 1973

Mr. Vincent D. Brown
Clerk of the Legislature
State of Nebraska Legislative Council
State Capitol
Lincoln, Nebraska 68509

Dear Mr. Brown:

This is in reply to your letter of March 8 to Secretary of Transportation Claude S. Brinegar enclosing a copy of Nebraska Legislative Resolution No. 13 relating to the Highway Trust Fund. I am responding to your comments because the Federal Highway Administration, an agency of the Department of Transportation, has direct responsibility for the Nation's highway construction program.

Certain Federal highway funds are now being withheld by the Office of Management and Budget as part of Government efforts to reduce inflationary pressures. They constitute temporary controls of funds authorized by the Congress, and remain available for release at a later date. It is not possible at this time to estimate when the funds will be released.

Additional bus and rail mass transit facilities will benefit all Americans–including those who drive cars–by reducing traffic congestion, lowering air pollution and conserving our limited energy resources.

Acting on this conviction, the Administration is sponsoring legislation now before the Congress to permit State and local officials to use a limited portion of highway trust funds for bus and rail transit. However, all of such funds could be used for highways if a State wished.

As in the past, the bulk of trust funds would still be reserved solely for highway construction purposes. The Administration bill requests funding toward completion of the Interstate System, as well as for other elements of the Federal-aid highway program. It specifies apportionment formulas for various elements of the Federal-aid highway system.

Sincerely yours,

(Signed) R. R. Bartelsmeyer
Acting Federal Highway
Administrator

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 162. Replaced on Select File as amended.
E & R amendment to LB 162:

1. In lieu of the Waldron amendment, on page 2, lines 6 and 7, strike "five hundred" and show as stricken.

LEGISLATIVE BILL 25. Replaced on Select File as amended.
E & R amendments to LB 25:

1. Insert a new section to read:

"Sec. 2. That section 48-126.01, Revised Statutes Supplement, 1972, as amended by section 3, Legislative Bill 239, Eighty-third Legislature, First Session, 1973, be amended to read as follows:

48-126.01. In determining the compensation to be paid any member of the military forces of this state, or any member of a volunteer fire department in any rural or suburban fire protection district, city or village, or any member of the state Civil Defense Agency, any local organization for civil defense or civil defense mobile support unit, or member of a volunteer ambulance unit, which military forces, fire department, state Civil Defense Agency, local organization for civil defense or civil defense mobile support unit, or volunteer ambulance unit is regularly organized under the laws of the State of Nebraska, or any person fulfilling conditions of probation pursuant to any order of ~~a juvenile or municipal~~ any court of this state who shall be working for a governmental body pursuant to any condition of probation, for injuries resulting in disability or death received in the performance of his duties as a member of such military forces, deparment, agency, organization or unit, or pursuant to an order of ~~a juvenile or municipal~~

any court, the wages of such a member or person shall be taken to be those received by him from his regular employer, and he shall receive such proportion thereof as he is entitled to under the provisions of section 48-121: Provided, if such member or person is not regularly employed by some other person, for the purpose of such determination, it shall be deemed and assumed that he is receiving income from his business or from other employment equivalent to wages in an amount one and one half times the maximum compensation rate for total disability. If the wages received for the performance of duties as a member of such military forces, department, agency organization or unit exceed the wages received from a regular employer, such member shall be entitled to a rate of compensation based upon wages received as a member of such military forces, department, agency, organization or unit.".

2. Renumber present sections 2 and 3 as sections 3 and 4.

3. In line 2 of E & R amendment 3, adopted 3/23/73, strike the second "and"; and in line 5 insert ", and section 48-126.01, Revised Statutes Supplement, 1972, as amended by section 3, Legislative Bill 239, Eighty-third Legislature, First Session, 1973" after "1973".

4. In line 6 of the title as amended, strike "and"; and in line 9 insert ", and section 48-126.01, Revised Statutes Supplement, 1972, as amended by section 3, Legislative Bill 239, Eighty-third Legislature, First Session, 1973" after "1973".

LEGISLATIVE BILL 235. Placed on Select File as amended.
E & R amendment to LB 235:

1. On page 4, insert an underscored comma at the end of line 13.

(Signed) John J. Cavanaugh, Chairman

STANDING COMMITTEE REPORTS
Miscellaneous Subjects

LEGISLATIVE BILL 155. Indefinitely postponed.

LEGISLATIVE BILL 288. Placed on General File.

LEGISLATIVE BILL 486. Placed on General File.

LEGISLATIVE BILL 509. Placed on General File.

(Signed) J. James Waldron, Chairman

Public Works

LEGISLATIVE BILL 11. Indefinitely postponed.

LEGISLATIVE BILL 308. Indefinitely postponed.

LEGISLATIVE BILL 316. Indefinitely postponed.

LEGISLATIVE BILL 398. Indefinitely postponed.

LEGISLATIVE BILL 514. Indefinitely postponed.

LEGISLATIVE BILL 368. Placed on General File as amended.
Standing Committee amendment to LB 368:

1. On page 2, line 12, insert after the period, "Such trailers shall also be equipped with a breakaway, surge, or impulse switch on the trailer so that the trailer brakes are activated should the trailer become disengaged from the towing vehicle.".

LEGISLATIVE BILL 522. Placed on General File as amended.
Standing Committee amendment to LB 522:

1. On page 2, line 21, following "60-320," insert "and except school buses subject to the provisions of section 79-488 and motor vehicles and trailers registered pursuant to section 60-305.09,".

(Signed) Maurice A. Kremer, Chairman

Urban Affairs

LEGISLATIVE BILL 460. Indefinitely postponed.

LEGISLATIVE BILL 299. Placed on General File as amended.
Standing Committee amendments to LB 299:

2. On page 2, line 17, add after "may" the following: ", as otherwise provided by law or home rule charter,".

2. On page 9, line 5, add after "18-2144" the following: ", but shall be applicable to bonds issued by a city or village exercising the authority of said sections through a community development agency".

LEGISLATIVE BILL 313. Placed on General File as amended.
Standing Committee amendments to LB 313:

1. On page 2, line 12 after the comma insert "and"; strike "each claim" and insert "claims" and strike the comma at the end of the line; in line 13 strike "purpose of such claim and name of the claimant"; in line 16 after the period insert: "In addition to all other publications required by statute, the council shall publish once each quarter an itemized account of all claims over twenty-five dollars paid to any claimant during the period of the report and state

briefly the purpose for such claim paid, and all claims paid under twenty-five dollars shall be published in the aggregate grouped under items appropriate to the claims paid.".

2. On page 2, line 23 after the comma insert "and"; strike "each claim" and insert "claims" and strike the comma at the end of the line; in line 24 strike "purpose of such claim and name of claimant"; in line 27 after the period insert: "In addition to all other publications required by statute, the council shall publish once each quarter an itemized account of all claims over twenty-five dollars paid to any claimant during the period of the report and state briefly the purpose for such claim paid, and all claims paid under twenty-five dollars shall be published in the aggregate grouped under items appropriate to the claims paid.".

3. On page 3, line 10 after the comma insert "and"; strike "each claim" and insert "claims" and strike the comma at the end of the line; in line 11 strike "purpose of such claim and name of claimant"; in line 14 after the period insert: "In addition to all other publications required by statute, the council shall publish once each quarter an itemized account of all claims over twenty-five dollars paid to any claimant during the period of the report and state briefly the purpose for such claim paid, and all claims paid under twenty-five dollars shall be published in the aggregate grouped under items appropriate to the claims paid.".

4. On page 4, line 6, after the second comma insert "and"; strike "each claim" and insert "claims"; in line 7 strike ", purpose of such claim and the name of the claimant"; in line 11 after the period insert: "In addition to all other publications required by statute, the council shall publish once each quarter an itemized account of all claims over twenty-five dollars paid to any claimant during the period of the report and state briefly the purpose for such claim paid, and all claims paid under twenty-five dollars shall be published in the aggregate grouped under items appropriate to the claims paid.".

(Signed) Duke Snyder, Chairman

ANNOUNCEMENT

Mr. Maresh announced that there would be an executive session of the Labor Committee on Wednesday, March 28, between 1:00 and 2:00 p.m. in Room 1009.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 545. By Cavanaugh, 9th District; F. Lewis, 45th District; at the Request of the Governor.

A BILL FOR AN ACT to adopt the State of Nebraska Classification and Pay Plan as prescribed.

MOTION–Place LB 432 on General File

Mr. Whitney moved to place LB 432 on General File notwithstanding the committee action. Motion pending.

MOTION–Suspend Rules

Mr. Kennedy moved to suspend the rules to consider LR 23 at this time.

Mr. Kelly moved the previous question. The question is, "Shall the debate now cease?" The motion lost with 16 ayes, 23 nays and 10 not voting.

Mr. Skarda moved the previous question. The question is, "Shall the debate now cease?" The motion prevailed with 27 ayes, 4 nays and 18 not voting.

The Kennedy motion lost with 26 ayes, 17 nays and 6 not voting.

Speaker Proud moved LR 23 be referred to a committee for a public hearing.

Mr. Barnett moved to amend the Proud motion to send LR 23 to the Constitutional Revision Committee.

The Chair ruled the Barnett amendment was not germane to the motion.

The Proud motion prevailed with 31 ayes, 2 nays and 16 not voting.

STANDING COMMITTEE REPORTS
Constitutional Revision

LEGISLATIVE RESOLUTION 19. Placed on General File as amended.
Standing Committee amendments to LR 19:

1. Strike all of Legislative Resolution No. 19, and insert in lieu thereof the following:

"Legislative Resolution No. 19

WHEREAS, there should be an amendment to the Constitution of the United States providing that no student shall be assigned to nor compelled to attend any particular school on account of race, religion, color or national origin.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE, FIRST SESSION:

1. That the Congress of the United States propose an amendment to the Constitution of the United States to read as follows:

"ARTICLE ___

No student shall be assigned to nor compelled to attend any particular public school on account of race, religion, color or national origin.".

2. That a copy of this resolution be sent to each house of the Legislature of each state in the United States, to each individual member of the House of Representatives of the United States, to each senator of the United States Senate, to the President of the United States, and the Vice President of the United States.".

(Signed) George Syas, Chairman

Miscellaneous Subjects

LEGISLATIVE BILL 494. Placed on General File as amended. Standing Committee amendments to LB 494:

1. On page 23, line 7 strike "Nebraska Natural Resources Commission" and insert "appropriate state agencies".

2. On page 29, line 7 after "Act" insert "and pursuant to the provisions of section 84-143".

LEGISLATIVE BILL 506. Placed on General File as amended. Standing Committee amendment to LB 506:

1. On page 2, line 4 after "~~four~~" insert "twelve", reinstate "~~times a year~~" and strike "monthly".

LEGISLATIVE BILL 510. Placed on General File as amended. Standing Committee amendments to LB 510:

1. Strike sections 1 and 2 and insert:

"Section 1. That section 85-1,100, Revised Statutes Supplement, 1972, be amended to read as follows:

85-1,100. The new field house for the Department of Athletics of the University of Nebraska at Lincoln shall be constructed on the State Fairgrounds. The cost of such construction, excluding interest on indebtedness, shall not exceed the sum of twelve million dollars plus interest earned on the Universtiy of Nebraska Field House Fund. Such field house may be constructed and financed in the manner set forth in sections 85-401 and 85-402. The land necessary for erection of the field house shall be selected by agreement between the Board of Regents of the University of Nebraska and the State Board of Agriculture. Permission is hereby given for a person, firm or corporation to construct such field house on the land so selected, which may be leased by the State of Nebraska to such person, firm or corporation. The field house so constructed shall be leased to the Board of Regents of the University of Nebraska pursuant to the provisions of sections 85-401 and 85-402. The liability of the Board of Regents of the University of Nebraska under such lease shall be limited to the revenue of the field house and the money appropriated from time to time from the University of Nebraska at Lincoln Field House Fund. The State Board of Agriculture shall be reimbursed out of the University of Nebraska at Lincoln Field House Fund for its costs as a result of the field house construction and use of related parking facilities in the manner and amount set forth in section 77-2602.

Sec. 2. That original section 85-1,100, Revised Statutes Supplement, 1972, is repealed.".

(Signed) J. James Waldron, Chairman

UNANIMOUS CONSENT–Bracket Bills

Mr. Luedtke asked unanimous consent to bracket LB 162, LB 162A and LB 228A on E & R Final. No objections. So ordered.

UNANIMOUS CONSENT–Approve Governor Appointments

Mr. Whitney asked unanimous consent to approve the following appointments found in the Journal on page 918 for the Fifty-fifth Day in one vote. No objections. So ordered.

Kenneth Zimmerman – Game and Parks Commission
Thomas J. Fitchett – Power Review Board

Voting in the affirmative, 36:

Anderson Burbach F. Carstens Cavanaugh Chambers
Clark DeCamp Duis Epke Fellman
Fowler Hasebroock Johnson Kennedy Keyes
Kime Kremer R. Lewis Luedtke Mahoney
Maresh Marsh Marvel Moylan Nore
Rasmussen Richendifer Savage Skarda Snyder
Stull Syas Waldron Warner Whitney
Wiltse

Voting in the negative, 0.

Not Voting, 13:

Barnett Carpenter C. Carsten Dickinson Goodrich
Kelly F. Lewis Murphy Proud Schmit
Simpson Stahmer Stromer

The appointments were confirmed with 36 ayes, 0 nays and 13 not voting.

GENERAL FILE

LEGISLATIVE BILL 68. Considered.

Mr. Epke offered the following amendment, which was adopted:

Strike the Epke amendment adopted March 16 and adopt the following:

1. On page 11 line 27 insert after "commission" the following: "; Provided, that subdivision (1) of subsection (2) of this section shall not apply to any person holding a salesman's license on the effective date of this act, but in place thereof shall have served actively for one year as a licensed real estate salesman".

Mr. Snyder offered the following amendment, which was adopted:

1. On page 37 strike lines 2 to 7 and insert the following:

"Sec. 37. Any instrument conveying an interest in the subdivided real estate shall be in recordable form and the subdivider or buyer may record such instrument in the county where the real estate is located and in the office where deeds are recorded.".

Mr. Snyder offered the following amendment, which was adopted:

1. On page 34, line 18 strike "six" and insert "a time provided in the contract which shall not be less than four".

The Carpenter amendments found in the Journal on page 606 for the Thirty-eighth Day were adopted.

Laid over.

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 237. Placed on General File as amended.
Standing Committee amendments to LB 237:

1. On page 2, lines 1, 4, 6, 8, 11, 14, 15, and 17 insert "Service" after "Public".
2. On page 3, lines 14, 20, and 22 insert "Service" after "Public".
3. On page 3, lines 14 and 15 strike "by assessment as provided by this act".
4. On page 4, line 4 insert "Service" after "Public".
5. Strike sections 4, 5, and 6 and renumber original sections 7 and 8 as sections 4 and 5 respectively.
6. On page 7, line 15 insert "Service" after "Public".

LEGISLATIVE BILL 474. Placed on General File as amended.
Standing Committee amendment to LB 474:

1. On page 3, line 10 after "Upon" insert the following: "the filing of such affidavit and request for delivery, if the defendant with full knowledge of the allegations and effect of the plaintiff's request agrees that such delivery in replevin be had, he may execute a voluntary, intelligent and knowing waiver under oath of his rights to notice and hearing and in which event the court shall order that all further proceedings shall be suspended and the property being replevied delivered to the plaintiff forthwith, otherwise upon".

LEGISLATIVE BILL 499. Placed on General File as amended.
Standing Committee amendments to LB 499:

1. On page 3, strike lines 8 to 11; in lines 12 and 14, renumber subdivisions (5) and (6) as (4) and (5) respectively; and strike lines 19 and 20 and insert "training, which loans may be made by the state investment officer.".

2. Add seven new sections to read:

"Sec. 5. That section 72-1241, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-1241. The state investment officer shall devote his entire time and attention to the duties of his office. He shall not engage in any other occupation or profession or hold any other public office, appointive or elective. If for any reason the state investment officer is unable to perform the duties of his office, or the office is vacant due to death, resignation or otherwise, the council shall designate an acting state investment officer to serve until the state investment officer is able to act or the vacancy is filled. With the approval of the council, the state investment officer ~~may~~ shall designate ~~a deputy to perform such acts and duties as the state investment officer shall authorize, subject to the same restrictions as apply to the state investment officer~~ an assistant to assist him in administering the student loan programs. The deputy shall furnish bond in the face amount and conditioned as the bond of the state investment officer. The state investment officer shall be responsible for all official acts of his deputy.

Sec. 6. That section 72-1246, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-1246. All money made available to the state investment officer for investment may be invested in the following classes of securities after proper consideration of the requirements for the availability of such money: (1) Notes, bonds, or other obligations of the United States, or those guaranteed by or for which the credit of the United States is pledged for the payment of the principal and interest or dividends thereof or student loans fully insured by the United States for the payment of the principal and interest thereof; (2) bonds or other evidences of indebtedness of the State of Nebraska and full faith and credit obligations of, or obligations unconditionally guaranteed as to principal and interest by, any other state of the United States; (3) notes, bonds, or obligations of any municipal or political subdivision of the State of Nebraska which are general obligations of the issuer thereof and revenue bonds or debentures of any city, county or utility district of the State of Nebraska where the earnings available for debt service have, for a five-year period immediately preceding the date of purchase, averaged not less than two times such debt service requirements; (4) bonds and debentures issued either singly or collectively by any of the twelve federal land banks, the twelve intermediate credit banks or the thirteen banks for cooperatives under the supervision of the Farm Credit Administration; (5) certificates of deposit of banks which are members of the Federal Deposit Insurance Corporation except that whenever the amount deposited exceeds the amount of insurance available thereon, the excess shall be secured in the same manner as for the deposit of public funds; (6) accounts with building and loan associations or federal savings and loan associations in the State of Nebraska to the extent that such accounts are insured by the Federal Savings and Loan Insurance Corporation; (7) bonds or other interest-bearing obligations of any corporation organized under the laws of the United States or any state thereof, except that (a) at the time the purchase is made, they are given, by at least one statistical organization whose publication is in general use, a rating of AAA, AA or A, and (b) not more than five per cent of the total investment fund shall be invested in the obligations of any one issuer; (8) direct short-term obligations generally classified as commercial paper of any corporation organized under the laws of the United States or any state thereof with a net worth of ten million dollars or more; (9) long-term, low-interest loans to Nebraska residents seeking adult or post high school education at any public or private institution in this state; and (10) any security of any corporation organized under the laws of the United States or of any state thereof with a net worth of ten million dollars or more, except that (a) not more than forty per cent of the total money available for investment at the time such investment is made shall be in this class and not more than five per cent shall be invested in each of the first eight years, and (b) not more than five per cent thereof shall be invested in the securities of any one corporation. Notwithstanding the aforesaid percentage limits, the cash proceeds of the sale of such securities of any corporation may be reinvested in any securities authorized under this subdivision. The state investment officer may invest money available for investment in any fund with one or more primary carriers which shall invest such money in a manner authorized by the state investment officer.

Sec. 7. (1) The general supervision of student loan programs established under section 72-1246 to 72-1246.05 and this section is hereby vested in the Nebraska Investment Council and the council shall provide for the administration of such loans. The council shall adopt by-laws and establish rules and regulations, from time to time, not inconsistent with the provisions of sections 72-1246 to 72-1246.05 and this section and applicable federal requirements for the administration and transaction of the student loan programs, and shall perform such other duties as may be required to administer the provisions of sections 72-1246 to 72-1246.05 and this section. It shall be the duty of the council to maintain its status as a lender eligible to administer student loans from the federal Department of Health, Education and Welfare. The state investment officer shall be charged with the duties of administering the provisions of sections 72-1246 to 72-1246.05 and this section. The council may by contract with the Board of Regents of the University of Nebraska for services in connection with the administration of such programs.

(2) The Nebraska Investment Council, out of funds available to it, shall invest in student loans fully insured by the United States for the payment of the principal and interest thereof, authorized by sections 72-1246 to 72-1246.05 and this section, so long as the investment in such securities does not impair its obligation as trustee of state funds. Should the Nebraska Investment Council conclude that it cannot lawfully invest in such securities, it shall file a

report with the Clerk of the Legislature stating its reasons for such conclusion. Such student loans shall be made to Nebraska residents attending Nebraska institutions and the Nebraska Investment Council shall give preference to such loans when an investment in such loans would be equally as good as any other investment.

(3) The council shall file a report with the Clerk of the Legislature in May and November of each year, stating the number of applications for student loans and the dollar amounts requested in the previous six-month period, the number of loans granted, and the dollar amounts disbursed. Each report shall include, when the demand for student loan applications is not met by the Nebraska Investment Council, information concerning the reasons therefor and investments which were made during that period, a summary of investment, reinvestment, purchase, sale, and exchange transactions, setting forth the investments bought, sold, and exchanged, the dates of the transactions, the prices paid and obtained, stated yield and anticipated yield, maturity dates when applicable, and the probable safety of capital thereof.

Sec. 8. That section 72-1249, Revised Statutes Supplement, 1972, be amended to read as follows:

72-1249. Any expenses with respect to the purchase, sale, or exchange of any security shall be charged to the fund or funds on behalf of which such purchase, sale, or exchange was made. ~~All expenses incurred in the management of long-term investment funds shall be paid from the State Investment Officer's Cash Fund established by section 72-1249.01~~. All other expenses of the state investment officer, including the expenses of administering the student loan programs, shall be paid out of appropriations from the General Fund for the office of the state investment officer.

Sec. 9. Notwithstanding any provision of section 3 of this act, the Nebraska Investment Council may continue to hold and administer student loans authorized by subdivision (9) of section 72-1246 prior to the effective date of this act.

Sec. 10. That original sections 72-1241 and 72-1246, Reissue Revised Statutes of Nebraska, 1943, and section 72-1249, Revised Statutes Supplement, 1972, and also section 72-1249.01, Revised Statutes Supplement, 1972, are repealed.

Sec. 11. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

LEGISLATIVE BILL 502. Placed on General File as amended. Standing Committee amendments to LB 502:

1. On page 4, line 7, strike "appropriate district judge or judges" show the same as stricken and insert "state public defender"; in lines 9 and 10 strike "judge or judges. Such judge or judges" and show as stricken and insert "state public defender, who"; and in line 21 strike "Such" and insert "~~Such~~ The state public defender and each".

2. On page 5, line 25 strike "the state and" and insert "~~the~~".

3. On pages 8 and 9 strike section 8 and insert a new section 8 to read as follows:

"Sec. 8. The office of state public defender is hereby created. He shall serve a term of four years commencing in January of 1975. He shall be appointed by the Judicial Council of the State of Nebraska. Vacancies in the office shall be filled for the unexpired term by appointment made by the Judicial Council, and such Council shall also, within thirty days from the effective date of this act, appoint the initial state public defender, who will serve until the first Thursday after the first Tuesday of January, 1975. Until otherwise fixed by law, the salary of the state public defender shall be twenty-five thousand dollars per annum."

4. On page 9, line 10 strike "twenty" and insert "twenty-five"; and lines 26 and 27 strike "Supreme Court" and insert "Judicial Council".

5. On page 10, line 21 strike "and"; and in line 22 insert "29-1805.02, 29-1805.03, 29-1805.05, 29-1805.09, and 29-1805.11," after "29-1804.12".

(Signed) Roland A. Luedtke, Chairman

REFERENCE COMMITTEE REPORT

LB	**Committee**
545	General File
LR 23	Public Health and Welfare

(Signed) Eugene T. Mahoney, Vice-Chairman
Executive Board

NOTICE OF COMMITTEE HEARING
Public Health and Welfare

LR 23 Monday, April 2, 1973 1:00 p.m.

(Signed) Thomas C. Kennedy, Chairman

ANNOUNCEMENT

Mr. Marvel announced the Appropriations Committee would meet in Executive Session from 12:00 noon until 2:00 p.m. today in Room 1003.

VISITORS

President Marsh introduced 26 6th Grade students from Park School, Lincoln and teachers Ms. Roberta Anderson and Mrs. Davidson.

President Marsh introduced 30 4th Grade students from Willard School, York and 8 teachers.

RECESS

At 11:59 a.m., on a motion by Speaker Proud, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:00 p.m., Speaker Proud presiding.

The roll was called and all members were present except Messrs. C. Carsten, Carpenter, Mahoney, Murphy, Snyder and Stromer who were excused; Messrs. Chambers and F. Lewis who were absent until 2:30 p.m.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 336, 336A and 360.

(Signed) John J. Cavanaugh, Chairman

UNAMIOUS CONSENT—Member Excused

Mr. Fellman asked unanimous consent to be excused Tuesday and Wednesday, March 27 and March 28. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 68. Considered.

Mr. Maresh offered the following amendment which was adopted:
Sec. 13 Page 13 Line 19 after "salesman" insert "Except those licensed on the effective date of this act".

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 68A. Title read. Considered.

Mr. Duis offered the following amendment which was adopted:

1. On page 2 strike line 2 and insert "fifty-one thousand eighty-seven dollars from", and line 4 strike "January 1, 1974" and insert "July 1, 1973".

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 86. Considered.

Mr. Carpenter asked unanimous consent to withdraw his pending amendments found in the Journal on page 607 for the Thirty-eighth Day. No objections. So ordered.

Mr. Duis moved to amend his pending amendments found in the Journal on page 608 for the Thirty-eighth Day by deleting the words "for tax purposes". The amendment was adopted.

The Duis amendments found in the Journal on page 608 for the Thirty-eighth Day were adopted as amended.

Mr. Carpenter offered the following amendments:

1. On page 2, line 26 strike "financial institution" and insert "building and loan association or small loan company".
2. On page 6, line 1 strike "(4)"; in line 9 strike "minimum"; in line 11 strike "twenty-five" and insert "nineteen"; strike lines 14 to 16; in line 17 strike "(b)" and insert "(3)"; after "diploma" insert "or a certificate of high school diplomacy;" and strike the rest of the line; strike lines 18 to 20; in line 21 strike "(a)"; in line 23 strike "and"; and strike lines 24 and 25.
3. On page 7, line 18 strike "moral"; in line 19 after "intergrity" strike the rest of the line and insert a period.
4. On page 8, line 14 strike "thirty" and insert "sixty"; line 15 strike "formal" and insert "public"; in line 25 strike "minimum".
5. On page 9, strike lines 1 and 2; in line 20 strike "material misrepresentation" and insert "false statement"; and in line 25 strike "formal" and insert "public".
6. On page 10, strike line 1 and in line 2 strike "licensee".
7. On page 12, strike lines 15 and 16; line 17 strike "(d)" and insert "(c)"; line 20 strike "(e)" and insert "(d)"; line 22 strike "(f)" and insert "(e)"; line 26 strike "(g)" and insert "(f)".
8. On page 13, line 4 strike "(h)" and insert "(g)"; in line 8 after ";" insert "or"; line 9 strike "(i)" and insert "(h)"; line 12 strike "; or" and insert a period; and in line 13 strike "(j)" and insert "(i)".

Mr. Stahmer offered the following amendment to the Carpenter amendment, which was adopted:

Paragraph 2 line 4 strike "diplomacy" insert "equivalency".

The Carpenter amendments, as amended, were adopted.

Advanced to E & R for Review with 25 ayes, 2 nays and 22 not voting.

LEGISLATIVE BILL 364. Title read. Considered.

The R. Lewis pending amendments found in the Journal on page 872 for the Fifty-second Day were adopted.

The Standing Committee amendments found in the Journal on page 585 for the Thirty-seventh Day were rejected.

Mr. R. Lewis asked unanimous consent to withdraw his pending amendment found in the Journal on page 726 for the Forty-fifth Day. No objections. So ordered.

The Carpenter pending amendment found in the Journal on page 840 for the Fiftieth Day lost.

Advanced to E & R for Review with 29 ayes, 2 nays and 18 not voting.

UNANIMOUS CONSENT—Member Excused

Mr. Epke asked unanimous consent to be excused at 3:00 p.m. for the remainder of the day. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 145. Title read. Considered.

Mr. R. Lewis offered the following amendment which was adopted:

1. On page 3 insert "Any leaseholder or other interested party may request that the land covered by any expiring lease be offered for sale, and the board shall give consideration to such request in deciding whether to offer such land for sale." at the end of line 1.

Mr. Whitney offered the following amendments:

1. On page 2, line 5, strike "may" and reinstate the stricken "shall" after the comma.

2. On page 2, line 6, strike "at the expiration of the present leases" and show the same as stricken; and insert "as provided in section 3 of this act" after "sold".

3. Insert a new section 3 to read as follows:

"Sec. 3. Whenever three hundred of fewer leases expire in any one year, all tracts covered thereby shall be offered for sale except as specified in the proviso of section 72-257. Whenever more than three hundred leases expire in any one year, the Board of Educational Lands and Funds shall select and offer for sale the three hundred tracts which it determines, considering all relevant factors, can be sold to the best advantage. Any land not offered for sale or not sold shall be offered for lease under the provisions of section 72-258.01.".

4. Renumber original sections 3 to 5 as sections 4 to 6.

PRESIDENT MARSH PRESIDING

The Whitney amendments lost with 10 ayes, 20 nays and 19 not voting.

Mr. Whitney offered the following amendments:

1. On page 3, line 23, insert after the period the following: "The Board of Educational Lands and Funds may purchase land upon consideration of all relevant factors that such purchase would be in the best interest of the educational trust.".
2. Add the severability clause.

Mr. Goodrich offered the following amendment to the Whitney amendments:

In line 3, strike "purchase" and insert "sell"; in line 4 strike "purchase" and insert "sale".

The Goodrich amendment to the Whitney amendments lost with 5 ayes, 16 nays and 28 not voting.

The Whitney amendments lost with 14 ayes, 20 nays and 15 not voting.

Mr. Kelly offered the following amendment:

1. On page 3 insert "Any leaseholder or other interested party may request that the land covered by any expiring lease be offered for sale, and the board shall set up such land for sale in the sequence that requests are received and within the guidelines of the number of sales that can be transacted each year."

Mr. DeCamp offered the following amendment to the Kelly amendment:

Strike the Kelly amendment and insert: Any two or more bona fide parties interested in purchasing land covered by any expiring lease may insure that said land will in fact be offered for sale at the expiration of the lease by following these procedures: (1) A minimum of 90 days before the expiration of said lease the interested parties shall submit to the board in writing a statement requesting that the land be sold upon the expiration of the lease and stating that they are interested in bidding upon such land at the sale to be held.

(2) With the submission of their request for the sale they shall also submit a bona-fide offer to make a minimum bid on the property to be sold. Said bona-fide minimum bid shall be accompanied by a certified check in the amount of 10% of their bona fide minimal bid.

(3) Said Bona Fide minimal bid shall be at least 100% of the appraised value of the land in question as determined by the Board.

The DeCamp amendment lost with 5 ayes, 23 nays and 21 not voting.

Mr. Kelly asked unanimous consent to withdraw his amendment. No objections. So ordered.

Advanced to E & R for Review with 28 ayes, 2 nays and 19 not voting.

STANDING COMMITTEE REPORTS

Miscellaneous Subjects

LEGISLATIVE BILL 485. Placed on General File as amended.
Standing Committee amendments on LB 485:

1. On page 2 line 8 strike "such other officers" and show as stricken matter, line 9 strike ". Such" and show as stricken matter, and strike line 10 and show as stricken matter, and insert "upon the recommendation of the".
2. On page 5 line 13 insert ", or for words spoken at Legislative Standing or Special Committee meetings" after "Board".

(Signed) J. James Waldron, Chairman

Revenue

LEGISLATIVE BILL 434. Placed on General File as amended.
Standing Committee amendments to LB 434:

1. Strike sections 1 to 3 and insert:

"Section 1. That section 3-150.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

3-150.01. Any person, firm, partnership, or corporation, except as provided in section 3-150, who shall buy aircraft fuel meeting the specifications set up by the Tax Commissioner, and shall use and consume ~~same~~ such fuel exclusively for the purpose of operating and propelling aircraft shall be ~~reimbursed one-half~~ entitled to reimbursement of the amount of tax so paid in the manner and subject to the conditions set forth in section 3-151, such reimbursement shall be based on the total gallons purchased by any single person, firm, partnership, or corporation in a calendar year as follows:

(1) On purchases of up to five hundred thousand gallons, a reimbursement of two and one half cents per gallon;

(2) On purchases of five hundred thousand gallons to one million gallons, a reimbursement of three cents per gallon; and

(3) On purchases of over one million gallons, a reimbursement of three and one half cents per gallon.

Sec. 2. That original section 3-150.01, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

LEGISLATIVE BILL 528. Placed on General File as amended.
Standing Committee amendments to LB 528:

1. On page 2 lines 22 and 23 strike "one hundred" and reinstate "fifteen; line 25 strike "four" and reinstate "two".

2. On page 5 lines 1 and 2 strike the new material; and in line 5 strike "four" and insert "two".

3. On page 7 after line 10 insert a new subsection (c) to read as follows: "(c) The final assessment provisions of this section shall constitute a final decision of the agency for purposes of Chapter 84, article 9.".

4. On page 17 on line 15 strike "one hundred" and reinstate the stricken material; and on line 21 strike "four" and reinstate "two".

5. Insert a new section to be known as section 11 and to read as follows:

"Sec. 11. The Tax Commissioner may provide by rule and regulation that some or all of the documents required to support the claim for tax credits under sections 66-445 to 66-466 need not be filed with the claim but shall remain as part of the business records of the person claiming the credit. The Tax Commissioner shall provide by rule and regulation for the filing of credit applications or claims by partners or shareholders of small business corporations so that such partners or shareholders may receive the credit intended by the provision of sections 66-445 to 66-466.".

(Signed) Jules W. Burbach, Chairman

UNANIMOUS CONSENT–Expedite LB 380

Mr. Savage asked unanimous consent to expedite LB 380. No objections. So ordered.

ANNOUNCEMENT

Mr. Maresh announced the Labor Committee would hold two hearings on LB 543; one on April 4 and the other on April 5, between 1:00 p.m. and 2:00 p.m. in Room 1009. This bill covers eight disallowed claims against the State of Nebraska.

ADJOURNMENT

At 4:09 p.m, on a motion by Speaker Proud, the Legislature adjourned until 9:00 a.m., Tuesday, March 27, 1973.

Vincent D. Brown
Clerk of the Legislature

FIFTY-SEVENTH DAY—MARCH 27, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

FIFTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 27, 1973

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Marsh presiding.

PRAYER

The prayer was offered by Father Leon Missinne, Doctor of Educational Psychology, Louvoene, Belguim, Professor at the University of Nebraska at Omaha.

> "Almighty God, bless the Senators assembled here, to make Nebraska, a land where it is good to live. Give the Senators the wisdom to know exactly what will be good for their state, and give them the force and the courage to do it. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. C. Carsten, F. Carstens, Dickinson, Fellman, Murphy and Richendifer who were excused.

CORRECTIONS FOR THE JOURNAL

Page 932, line 23, correct spelling of "difficulty"; line 25, correct spelling of "authorization".

Page 940, line 25, delete "Select" and insert "General".

The Journal for the Fifty-sixth Day was approved as corrected.

UNANIMOUS CONSENT—Members Excused

Speaker Proud asked unanimous consent to be excused Monday, April 2. No objections. So ordered.

Mr. Kime asked unanimous consent to be excused Friday, March 30. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 5. Placed on Select File as amended.
E & R amendment to LB 5:

1. On page 2, line 25, and in the title, lines 6 and 7, strike "Reissue Revised Statutes of Nebraska, 1943" and insert "Revised Statutes Supplement, 1972".

LEGISLATIVE BILL 164. Placed on Select File as amended.
E & R amendments to LB 164:

(Amendments refer to Standing Committee amendments.)

1. On page 3, line 16, insert "within" after "than".
2. On page 4, strike line 14 and insert "outside the corporate limits of the city or village of its original charter.".
3. On page 9, line 10, insert an underscored comma after "shares".
4. On page 10, line 10, strike "is" and insert "shall be".
5. On page 11, line 5, insert an underscored comma after "experience".
6. On page 12, line 7, strike "and fines".
7. On page 14, line 17, insert an underscored comma after "taxation"; and in line 18, insert "and" after "sanitary".
8. On page 19, insert "or" at the end of line 17.
9. On page 30, line 3, insert "that" after "except".
10. On page 31, line 1, insert an underscored comma after "full".
11. On page 32, line 1, insert ", and also section 8-1,114, Reissue Revised Statutes of Nebraska, 1943" after "1972".

LEGISLATIVE BILL 309. Placed on Select File as amended.
E & R amendments to LB 309:

1. In standing committee amendment 3, line 2, strike the semicolon and insert an underscored comma; and in line line 5 strike "said" and insert "such".
2. On page 2, lines 23 and 24, page 6, lines 19 and 20, page 10, line 20, and page 12, line 8, strike "amendatory act of 1973" and insert "act".
3. On page 5, line 13, insert "of this section" after "(c)".
4. In the title, line 2, insert "44-403," after "sections".

LEGISLATIVE BILL 425. Placed on Select File as amended.
E & R amendments to LB 425:

1. On page 2, lines 8 and 13, strike "where" and insert "when"; and in line 26, insert "any" after "mean".
2. In the title, strike beginning with "to" in line 3 through the semicolon in line 4.

LEGISLATIVE BILL 412. Placed on Select File as amended.
E & R amendments to LB 412:

1. On page 2, line 11, strike the first comma and strike "each" and insert "such"; and in line 12 insert "and" after "claimant" and strike both commas.
2. In the title, line 3, strike "districts" and insert "district boards".

LEGISLATIVE BILL 429. Placed on Select File.

LEGISLATIVE BILL 430. Placed on Select File as amended.
E & R amendment to LB 430:

1. In the title, lines 4 and 5, strike "of first class districts".

(Signed) John J. Cavanaugh, Chairman

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 490. Placed on General File as amended.
Standing Committee amendments to LB 490:

1. Add a new section 1 to read as follows:

"Section 1. That section 39-1320.01, Revised Statutes Supplement, 1972, be amended to read as follows:

39-1320.01. (1) The Department of Roads is authorized to acquire the interest in lands, real or personal property, necessary to exercise the power authorized by subdivision (m) of subsection (2) of section 39-1320, and to pay just compensation upon removal of the following outdoor advertising signs, displays, and devices, as well as just compensation for the disconnection and removal of electrical service to the same:

(a) Those lawfully erected or in existence prior to March 27, 1972, and not conforming to the provisions of this act except as otherwise authorized by this act; and

(b) Those lawfully erected after March 27, 1972, which become nonconforming after being erected.

(2) Such compensation for removal of such signs, displays and devices is authorized to be paid only for the following:

(a) The taking from the owner of such sign, display, or device or of all right, title, leasehold, and interest in connection with such sign, display, or device, or both; and

(b) The taking, from the owner of the real property on which the sign, display, or device is located, of the right to erect and maintain such signs, displays and devices thereon.

(3) In all instances where signs, displays or devices, which are served electrically, are taken under subsection (2) (a) of this section, the Department of Roads shall pay, to the supplier of electricity, severance damages including loss of revenue and limited to the cost of disconnection and removal of said service to the nearest distribution line, or in the event said sign, display or device, is relocated, severance damages will be made to the point of relocation.

The department shall not be required to expend any funds under the provisions of this act unless and until federal-aid matching funds are made available for this purpose. The department is hereby required to report to the Legislature annually, on or before January 15, commencing in 1973, the status of the program provided for in this act. Such report shall include the number of signs, displays or devices removed and the cost thereof, federal and matching funds expended or obligated, and estimate for the succeeding year, and such other information as the Legislature or the Legislative Council shall officially order the department to provide.".

2. On page 2 line 3 strike "No" and show as stricken and insert: "Except for on premise signs located within an area of fifty feet from the edge of the commercial or industrial activity on the premises, no"; strike "annually" in line 8 and insert "biennially" ; lines 12 and 13 reinstate the previously stricken material; in line 13 strike the reinstated "ten" and show as stricken and insert "fifteen".

3. On page 3 lines 7 and 8 strike ";Provided, each day's violation shall constitute a separate offense.".

4. Renumber original sections 1, 2, 3, and 4 as 2, 3, 4, and 5, respectively.

LEGISLATIVE BILL 493. Placed on General File as amended.
Standing Committee amendments to LB 493:

1. Add a new section 1 to read as follows:

"Section 1. That section 39-1701, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-1701. When in the judgment of the county board it is necessary or proper for the safety or convenience of the traveling public that additional property be secured for establishment of new roads or for improvement or maintenance of existing roads within the county, such board may on behalf of the county, take, hold and appropriate such property by the exercise of the power of eminent domain, the procedure therefor to be exercised in the manner set forth in Chapter 76, article 7. All costs, expenses, and damages incurred shall be paid out of the general fund of the county or the County Road Fund.".

2. Renumber original sections 1 and 2 as sections 2 and 3.

3. On page 3 line 27 after "interest" insert "; Provided, that an adjoining landowner cannot be denied reasonable means of egress and ingress".

4. Add a new section 4 to read as follows:

"Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

(Signed) Maurice A. Kremer, Chairman

MOTION–Introduce Bill

Mr. Maresh moved the introduction of a new bill by the Committee on Public Health and Welfare (Request No. 864). The motion prevailed with 31 ayes, 0 nays and 18 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 546. By Public Health and Welfare Committee: Kennedy, 21st District, Chairman; Maresh, 32nd District; Goodrich, 20th District; Cavanaugh, 9th District; Schmit, 23rd District; F. Lewis, 45th District; R. Lewis, 38th District.

A BILL FOR AN ACT to amend section 1, Legislative Bill 173, Eighty-third Legislature, First Session, 1973, relating to public health; to change the time when certain immunizations shall be required; and to repeal the original section.

MOTION–Suspend Rules

Mr. Maresh moved to suspend the Rules to place LB 546 on General File without a public hearing. The motion prevailed with 32 ayes, 0 nays and 17 not voting.

SELECT FILE

LEGISLATIVE BILL 162. E & R amendment found in the Journal on page 935 for the Fifty-sixth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 25. E & R amendments found in the Journal on page 935 for the Fifty-sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 235. E & R amendment found in the Journal on page 936 for the Fifty-sixth Day was adopted.

Advanced to E & R for Engrossment.

MOTION–Rule Changes

Mr. Duis moved the adoption of the Rules Committee report referred to in the Journal on pages 834 and 835 for the Fiftieth Day.

Rule Change 1 to Rule 5, Sec. 6 (a) (b) and (c) was adopted with 30 ayes, 0 nays and 19 not voting.

Rule Change 3 to Rule 6, Sec. 4 and 5 was adopted with 32 ayes, 3 nays and 14 not voting.

Mr. Warner moved to amend Rule Change 4 to Rule 5, Sec. 13 found in the Journal on page 835 by substituting his original rule change found in the Journal on page 736 for the Forty-fifth Day. The Rule Change was adopted with 30 ayes, 0 nays and 19 not voting.

Mr. Maresh moved to amend Rule Change 5 to Rule 5, Sec. 13 found in the Journal on page 835 as follows:

Bills, except Governor's bills, still held in Committee after the Fiftieth Day in regular session of even-numbered years shall be considered indefinitely postponed.

The amendment lost with 5 ayes, 19 nays and 25 not voting.

The Rules Committee report, as amended, found in the Journal on pages 834 and 835 was adopted with 31 ayes, 0 nays and 18 not voting.

STANDING COMMITTEE REPORT
Miscellaneous Subjects

LEGISLATIVE BILL 78. Placed on General File as amended.
Standing Committee amendments to LB 78:

1. On page 2, lines 5 and 6, strike "Nebraska Oil and Gas Commission" and insert "Public Service Commission" and insert ". For the purposes of this section pipeline or distribution system shall not be considered to include facilities which a liquefied petroleum gas dealer, not operating under a franchise granted by a governmental subdivision, may utilize to serve two or more customers in the same neighborhood from a single supply tank;".
2. On page 31, lines 3, 4, and 5 reinstate the stricken language; and line 14 insert the following after the period: "When any gas supplier shall seek to increase gas rates they shall apply first to the municipality which council shall have the authority to establish the rates. The gas utility shall have the right to appeal the council's decision to the Gas Regulatory Commission under the provisions of this act or to appeal if the council refuses to act. Such appeal must be made within thirty days after the final order of the council.".
3. On page 31, lines 22 to 24 reinstate the stricken language; and on page 32, line 7, insert the following after the period: "When any gas supplier shall seek to increase gas rates they shall apply first to the municipality which council shall have the authority to establish the rates. The gas utility shall have the right to appeal the council's decision to the Gas Regulatory Commission under the provisions of this act or to

appeal if the council refuses to act. Such appeal must be made within thirty days after the final order of the council.".

4. On page 32, lines 16, 17, 18, 22, and 25 reinstate the stricken language; and on line 26 insert the following after the period: "When any gas supplier shall seek to increase gas rates they shall apply first to the municipality which council shall have the authority to establish the rates. The gas utility shall have the right to appeal the council's decision to the Gas Regulatory Commission under the provisions of this act or to appeal if the council refuses to act. Such appeal must be made within thirty days after the final order of the council.".

5. On page 33, lines 15 to 18 reinstate the stricken language; and on line 25 insert the following after the period: "When any gas supplier shall seek to increase gas rates they shall apply first to the municipality which council shall have the authority to establish the rates. The gas utility shall have the right to appeal the council's decision to the Gas Regulatory Commission under the provisions of this act or to appeal if the council refuses to act. Such appeal must be made within thirty days after the final order of the council.".

6. On page 35, lines 6 and 7; and page 36, lines 20 and 21, strike "Nebraska Oil and Gas Commission" and show as stricken matter and insert "Public Service Commission".

(Signed) J. James Waldron, Chairman

GENERAL FILE

LEGISLATIVE BILL 193. Laid over at the request of Mr. Syas.

LEGISLATIVE BILL 342. Laid over at the request of Mr. Clark.

LEGISLATIVE BILL 148. Title read. Considered.

Standing Commitee amendment found in the Journal on page 605 for the Thirty-eighth Day was adopted.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 275. Bracketed until Thursday, March 29 at the request of Mr. Fellman.

LEGISLATIVE BILL 254. Title read. Considered.

Standing Committee amendments found in the Journal on page 618 for the Thirty-eighth Day were adopted.

Mr. Carpenter offered the following amendment which was adopted with 24 ayes, 4 nays and 21 not voting:

Provided that the department shall make no rules or regulations which are less stringent than those requirements defined by federal guidelines.

Advanced to E & R for Review with 31 ayes, 3 nays and 15 not voting.

LEGISLATIVE BILL 405. Title read. Considered.

Standing Committee amendment found in the Journal on page 633 on the Thirty-ninth Day was adopted.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 406. Title read. Considered.

Standing Committee amendment found in the Journal on page 633 for the Thirty-ninth Day was adopted.

Mr. Carpenter offered the following amendments:

1. Amend the bill by adding a new section 2 to read as follows:

"Sec. 2. That section 8-304, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-304. Subject to the limitations set forth in section 8-303, each investing member shall be permitted to cast one vote for each hundred dollars of withdrawal value of his stock. Each borrowing member shall be permitted as a borrower to cast one vote, or to cast one vote for each one hundred dollars of the credit value of his stock. Fifteen or more members present at a regular or special meeting of members constitute a quorum. Voting may be by proxy if the instrument authorizing the proxy to vote shall have been executed by a member. The proxy shall remain in the possession of the investor or depositor.".

2. Renumber original section 2 as section 3.

3. On page 3 line 1 strike "section 8-302" and insert "sections 8-302 and 8-304", and in line 2 strike "is" and insert "are".

Amendments pending.

Mr. Savage offered the following amendments which were adopted:

(Amend the Standing Committee amendment, found on page 633 of the Legislative Journal as follows:)

1. In the 8th line, strike the word "and" and insert a comma after "insurance".

2. In the 10th and last line, strike the period and quotation marks after "association" and insert the following: " , and shall have assets equal to five percent of the assets of the savings and loan association whose accounts it is insuring."

Laid over at the request of Mr. Carpenter.

LEGISLATIVE BILL 413. Title read. Considered.

Mr. Nore offered the following amendments which were adopted:

1. On page 2, line 5 after "president," insert "vice president," and strike the "~~three~~" and insert "two".

2. On page 4, lines 21 and 22 strike "~~relating to Class II school districts~~", in line 22 strike "~~sections~~" and insert "section" and strike "~~(1) (a) and 32-512 (4)~~"; in line 24 strike "~~sections 32-535 and 32-512 (4)~~" and insert "the provisions of Chapter 32"; and in line 25 after "clerk" insert "or election commissioner".

3. On page 5, line 3 strike "~~secretary of the board~~" and insert "county clerk or election commissioner"; in line 7 after "president," insert "vice president"; in lines 7 and 8 strike "~~each annual meeting,~~" and insert "the first regular board meeting after the newly elected board members have been sworn in and"; and in line 14 after the period insert "In the event a vacancy occurs on the board after the filing deadline and prior to the statewide primary the appointment to fill such vacancy shall be for the unexpired term.".

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 435. Laid over at the request of Mr. Nore.

LEGISLATIVE BILL 396. Title read. Considered.

The Carpenter pending amendments found in the Journal on page 576 for the Thirty-seventh Day were considered.

Mr. Barnett asked unanimous consent to bracket LB 499 with LB 396 on General File. No objections. So ordered.

MR. WHITNEY PRESIDING

LEGISLATIVE BILL 462. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 87. Considered.

Mr. Carpenter moved to have the following amendments printed in the Journal and return the bill to the Public Works Committee for a public hearing. The motion prevailed with 25 ayes, 0 nays and 24 not voting.

1. Insert two new sections to read as follows:

"Sec. 8. It is hereby made the duty of the county boards or other officials having charge of highways in the various counties to so construct new wooden bridges that they will sustain a concentrated moving load of not less than ten tons, and all other new bridges so that they will sustain a concentrated moving load of not less than fifteen tons. All new bridges on main traveled roads between cities and towns shall be of fifteen-ton capacity. No bridge shall be constructed with a floor system having a distributed carrying capacity of less than one hundred pounds per square foot. All bridges shall be built on straight lines with the direction of the adjacent roads whenever practicable.

Sec. 9. Any person or persons, corporation or association of persons, constructing any ditch, lateral or canal upon or across any highway shall keep such highway open for safe and convenient travel and shall, as soon as practicable after such ditch, lateral or canal is constructed across such highway, and without interfering with the travel on such highway, erect across such lateral, ditch, or canal, when the same is constructed to carry more than twelve cubic feet of water per second, a suitable wagon bridge not less than sixteen feet in width of good material, and construct suitable approaches thereto with a grade not exceeding three per cent; and all laterals and ditches carrying not more than twelve cubic feet of water per second shall be covered or tiled with cement, concrete or other watertight material for a distance of twelve feet on each side of the center line of such highway, and the ends thereof protected in such manner as to prevent the water overflowing therefrom onto the highway, and the top of such crossings when completed, including the necessary dirt thereon, shall in no case be above the natural or established grade of such highway; Provided, that where, in the judgment of the county board, it is inexpedient, because of local conditions, to require the bridges of the laterals to conform strictly to the specifications herein mentioned, such board is authorized to alter such specifications in such manner as in its judgment local conditions warrant. All bridges and crossings herein provided for shall be approved by the road overseer, county highway superintendent, or other officer in charge of road work, as the case may be, and from his judgment or order in any such case, any taxpayer may appeal to the county board. All that shall be required in such an appeal will be a written statement of the location and conditions existing, and on receipt thereof it shall be the duty of the county board to immediately examine such bridge or crossing, and if the same shall be found unsafe or defective, it shall notify the owner of such lateral, ditch or canal to remedy such defects and also to pay the cost of making such examination, and in default of so doing within a reasonable time, such lateral, ditch or canal shall be deemed an obstruction in the public highway and may be forthwith removed by the county board or the road overseer, county highway superintendent, or other officer in charge of road work, as the case may be, and damages collected as in other cases for the obstruction of public highways. It shall be the duty of the owner or owners of such ditch, lateral or canal to maintain and repair such bridges after the same have been built by such person, or persons, corporation or association of persons.".

2. Renumber original section 8 as section 10.

(Signed) Herbert Duis

UNANIMOUS CONSENT—Bracket Bills

Mr. Syas asked unanimous consent to bracket LB 193 on General File until Monday, April 2. No objections. So ordered.

Mr. Clark asked unanimous consent to bracket LB 342 on General File until Monday, April 2. No objections. So ordered.

PRESIDENT MARSH PRESIDING

MOTION—Adjournment

Mr. Carpenter moved that when we adjourn on Thursday, March 29, we adjourn until Monday, April 2, at 10:00 a.m. The motion prevailed with 31 ayes, 8 nays and 10 not voting.

MESSAGE FROM THE GOVERNOR

March 26, 1973

Mr. Vince Brown
Clerk of the Legislature
State House
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 112, 112A, 146, and 447.

These bills were signed by me on March 24, 1973 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

ANNOUNCEMENT

Mr. Waldron announced that there would be an Executive Session of the Miscellaneous Subjects Committee at 8:30 a.m., Tomorrow, in Room 2102.

STANDING COMMITTEE REPORTS

Agriculture and Environment

LEGISLATIVE BILL 66. Indefinitely postponed.

LEGISLATIVE BILL 392. Indefinitely postponed.

LEGISLATIVE BILL 444. Indefinitely postponed.

LEGISLATIVE BILL 465. Indefinitely postponed.

LEGISLATIVE BILL 537. Indefinitely postponed.

LEGISLATIVE BILL 17. Placed on General File as amended.
Standing Committee amendments to LB 17:

1. Strike sections 1 to 21 and insert:

"Section 1. That section 89-187, Revised Statutes Supplement, 1972, be amended to read as follows:

89-187. The director shall:

(1) Maintain traceability of the state standards to the National Bureau of Standards.

(2) Enforce the provisions of sections 89-183 to 89-1,103.

(3) Promulgate reasonable regulations for the enforcement of sections 89-183 to 89-1,103, including but not limited to the registration of weighing and measuring device repairmen, pit scale installation requirements, adoption of such additional standards as are not specifically provided for in sections 89-183 to 89-1,103 and such additional reasonable regulations regarding: (a) The varieties or kinds of devices, (b) attachments or parts entering into the construction or installation of weights and measures or weighing or measuring applicances, which shall tend to secure correct results in the use of such appliances, and (c) ~~reasonable registration fees for weighing and measuring devices to be established by the director following~~

~~a public hearing held for that purpose, which regulations shall have the force and effect of law.~~ the setting of laboratory fees for testing, correcting, calibration, and verification of standards of weights and measures and the establishment of standard laboratory operating procedures in accordance with the provisions of Chapter 84, article 9.

(4) Establish standards of weight, measure, or count, reasonable standards of fill, and standards for the presentation of cost per unit information for any packaged commodity.

(5) Upon a verified application filed with the department, upon forms furnished by the director, ~~Grant~~ grant ~~any~~ exemptions, including specific exemptions for single-use weighing and measuring devices, from the provisions of sections 89-183 to 89-1,103 or any regulations promulgated pursuant thereto, when such application shall provide assurances, acceptable to the director, that such exemption is ~~when~~ appropriate to the maintenance of good commercial practices within the state.

(6) Conduct investigations to insure compliance with sections 89-183 to 89-1,103.

(7) Delegate to appropriate personnel any of these responsibilities for the proper administration of the director's office.

(8) Test annually the standards of weight and measure used by any city or county within the state, and approve the same when found to be correct.

(9) Inspect and test weights and measures kept, offered, or exposed for sale.

(10) Inspect and test annually to ascertain if they are correct, weights and measures commercially used (a) in determining the weight, measure, or count of commodities or things sold, or offered or exposed for sale, on the basis of weight, measure, or count, or (b) in computing the basic charge or payment for services rendered on the basis of weight, measure, or count.

(11) Test all weights and measures used in checking the receipt or disbursement of supplies in every institution, for the maintenance of which funds are appropriated by the Legislature of the state.

(12) Register and test annually all weighing and measuring devices used for the enforcement of the provisions of sections 39-722, 60-329, and 60-331.

~~(12)~~ (13) Approve for use, and may mark, such weights and measures as the director finds to be correct, and shall reject and mark as rejected such weights and measures as the director finds to be incorrect. Weights and measures that have been rejected may be seized if not corrected within the time specified or if used or disposed of in a manner not specifically authorized. The director shall condemn and may seize weights and measures found to be incorrect that are not capable of being made correct.

~~(13)~~ (14) Weigh, measure, or inspect packaged commodities kept, offered, or exposed for sale, sold, or in the process of delivery, to determine whether they contain the amounts represented and whether they are kept,offered, or exposed for sale in accordance with sections 89-183 to 89-1,103 or regulations promulgated pursuant thereto. In carrying out the provisions of this section, the director shall employ recognized sampling procedures such as are designated in National Bureau of Standards Handbook 67, entitled Checking Prepackaged Commodities.

~~(14)~~ (15) Prescribe, by regulation, the appropriate term or unit of weight or measure to be used, whenever the director determines in the case of a specific commodity that an existing practice of declaring the quantity by weight, measure, numerical count, or combination thereof, does not facilitate value comparisions by consumers, or offers an opportunity for consumer confusion.

~~(15)~~ (16) Allow reasonable variations from the stated quantity of contents, which shall include those caused by loss or gain of moisture during the course of good distribution practice or by unavoidable deviations in good manufacturing practice only after the commodity has entered intrastate commerce.

~~(16)~~ (17) Require, on or before July 1 of each year, all persons who maintain or have in their possession for use in commerce any weighing or measuring device to: (a) Register such device with the department upon forms furnished by the director; (b) pay to the department a registration fee of one dollar per device; and, in addition thereto, (c) pay inspection fees to the department in the following designated amounts:

Scales			
Over 0	to and including 35	lbs. capacity	$1.00
Over 35	to and including 600	lbs. capacity	$2.00
Over 600	to and including 4,000	lbs. capacity	$5.00
Over 4,000	to and including 20,000	lbs. capacity	$9.00
Over 20,000	to and including 50,000	lbs. capacity	$12.00
Over 50,000	to and including 75,000	lbs. capacity	$14.00
75,000	and over	lbs. capacity	$17.00
Measuregraphs			$1.00
Vehicle Tanks			
Up to and including 300 gallons			$4.00
Over 300 gallons, up to and including 500 gallons			$5.00
Over 500 gallons, up to and including 1,000 gallons			$6.50
Over 1,000 gallons, up to and including 2,000 gallons			$8.00
Over 2,000 gallons, up to and including 3,000 gallons			$9.00
Over 3,000 gallons, up to and including 4,000 gallons			$12.00
Over 4,000 gallons, up to and including 6,000 gallons			$14.00
Over 6,000 gallons			$16.00
Pumps			
Petroluem pumps			$1.00
Liquid petroluem gas pumps			$4.00
Double Pumps or Blend Pumps			$3.00
Meters			
Vehicle tank meters and bulk meters			$4.00
Liquid petroluem gas meters			$9.00
Liquid fertilizer meters			$9.00
Liquid feed meters			$9.00

~~register such device annually with the director upon forms furnished by the director and to pay the registration fees as prescribed.~~

Sec. 2. That section 89-1,100, Revised Statutes Supplement, 1972, be amended to read as follows:

89-1,100. ~~The director shall collect annual registration fees for weights and measures as are established by regulations promulgated for that purpose in accordance with the provisions of section 89-187 and all such fees collected shall be paid to the state treasury and by the State Treasurer credited to the Weights and Measures Administrative Fund, which fund is hereby created. All money so collected shall be appropriated to the uses of the Department of Agriculture for the purpose of administering the provisions of sections 89-183 to 89-1,103. Any unexpended balance in such fund at the close of any biennium shall, when reappropriated, be available for the uses and purposes of the fund for the succeeding biennium; otherwise it shall lapse into the General Fund. The registration fees provided for in sections 89-183 to 89-1,103 shall constitute a lien on the weights and measures, registered and approved for use in this state until such fees are paid, and the director may sue therefor in the name of the state.~~ The director shall collect registration, laboratory, and inspection fees in accordance with the provisions of section 89-187 and all such fees collected shall be paid to the state treasury and by the State Treasurer credited to the Weights and Measures Administrative Fund, which fund is hereby created. All fees credited to the fund shall be appropriated to the uses of the Department of Agriculture to aid in defraying the expenses of administering the provisions of sections 89-183 to 89-1,103. Any unexpended balance in such fund at the close of any biennium shall, when reappropriated, be available for the uses and purposes of the fund for the succeeding biennium; otherwise, it shall lapse into the General Fund. The registration, laboratory, and inspection fees provided for in sections 89-183 to 89-1,103 shall constitute a lien on the weights and measures or standards registered or approved for use in this state until such fees are paid, and the director may sue therefor in the name of the state.

Sec. 3. That section 89-1,101, Revised Statutes Supplement, 1972, be amended to read as follows:

89-1,101. Any person who violates any provision of sections 89-183 to 89-1,103 ~~or regulations promulgated pursuant thereto,~~ for which a specific penalty has not been prescribed, shall be guilty of a misdemeanor, and upon a first conviction thereof shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment for not more than three months, or both. Upon a subsequent conviction thereof, he shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars or by imprisonment for up to one year, or both.

Sec. 4. That original sections 89-187, 89-1,100, and 89-1,101, Revised Statutes Supplement, 1972, are repealed.".

2. Renumber original section 22 as section 5.

LEGISLATIVE BILL 73. Placed on General File as amended.
Standing Committee amendments to LB 73:

1. Strike sections 1 to 30.

2. On page 30 line 12 after "created" insert "within each county which now has or may hereafter have a population in excess of three hundred fifty thousand inhabitants,".

3. Renumber original sections 31 to 40 as sections 1 to 10 respectively.

4. On page 40 after line 10 insert:

"Sec. 11. (1) If, when the sheriff offers the parcels of real estate for sale under the tax foreclosure laws of this state, there is no bid equal to the full amount of all tax bills included in the judgment, interest, penalties, fees and costs then due thereon made or received at such sale after any parcel of real estate has been offered for sale as required by law, the authority shall be deemed to have bid the full amount of all tax bills included in the judgment, interest, penalties, fees and costs then due, and if no other earlier or later bid be then received by the sheriff as allowed by law in excess of the bid of the authority, then the bid of the authority shall be announced as accepted. The sheriff shall report any such bid or bids so made by the authority in the same way as his report of other bids is made.

(2) The authority shall pay, if possible, any penalties, fees, or costs included in the judgment of foreclosure of such parcel of real estate when such parcel is sold or otherwise disposed of by such authority. Upon confirmation by the court of such bid at such sale by such authority, and upon notification by the sheriff, the county treasurer shall mark the tax bills so bid by the authority as cancelled by sale to the authority, and shall take credit for the full amount of such tax bills, including principal amount, interest, penalties, fees and costs, on his books and his statements with any other taxing authorities.

Sec. 12. (1) The title to any real estate which shall vest in the authority under the provisions of this act shall be held by the authority in trust for the tax bill owners and taxing authorities having an interest in any tax liens which were foreclosed, as their interests may appear in the judgment of foreclosure.

(2) The title to any real estate which shall vest in any purchaser or the authority upon confirmation of such sale by the court, shall be an absolute estate in fee simple, subject to rights-of-way, easements, and covenants thereon paid and subject to all rights of redemption provided by law or the constitution.".

5. Renumber original sections 41 and 42 as sections 13 and 14 respectively.

LEGISLATIVE BILL 378. Placed on General File.

(Signed) Loran Schmit, Chairman

VISITORS

President Marsh introduced Mrs. Charlene Tirro, daughter of Senator Whitney.

President Marsh introduced 52 Sixth Grade students from Central School, Fairbury, and their teachers, Mrs. Opal Sturm and Mrs. Erna Martens.

President Marsh introduced 55 Twelfth Grade students from North Bend Consolidated School No. 95, North Bend, and teachers Mrs. Judy Schauer and Mr. Steve Mylander.

President Marsh introduced 240 Eighth Grade students from Beveridge Junior High School in Omaha and eight teachers and counselors.

President Marsh introduced 46 Sixth Grade students and 12 adults from Pershing Elementary School, Lincoln, and their teacher Mr. Ron Houser.

RECESS

At 11:49 a.m., on a motion by Mr. Carpenter, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:00 p.m., Speaker Proud presiding.

The roll was called and all members were present except Messrs. C. Carsten, F. Carstens, Fellman and Murphy who were excused; Mr. Schmit who was absent until 2:30 p.m.; and Mr. Chambers who was absent.

UNANIMOUS CONSENT–Print in Journal

Mr. Carpenter asked unanimous consent to have the following amendments to LB 87 printed in the Journal. No objections. So ordered.

Section 1. That section 39-846, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-846. ~~The Department of Roads is hereby declared to have supervision of bridges to be located and constructed or purchased under state aid, as provided by law.~~ Recognizing that highway financing has been inadequate to meet the needs for highway improvements and to expedite the replacement of deficient bridges and to expedite the improvement of the remaining mileage of gravel-surfaced state highways to adequate standards, there is hereby created a special fund to be known as the Special Highway Transportation Needs Fund to provide assistance to counties for replacement of bridges and to provide assistance to the Department of Roads for improvement of the remaining mileage of gravel-surfaced highways, and for state highway improvements for which federal aid matching funds are not available. Any money in the Special Highway Transportation Needs Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1259.

Sec. 2. That section 39-847, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-847. (1) ~~The~~ Any county board ~~or boards of any county or counties~~ may apply ~~make application~~, in writing, to the Department of Roads for state aid in the ~~construction or purchase~~ replacement of any bridge ~~across any stream of the width of one hundred feet or more,~~ under the jurisdiction of such ~~county~~ board. ~~or boards.~~ The application shall contain a description of the ~~proposed~~ bridge, with a preliminary estimate of the cost of ~~construction or purchase~~ replacement thereof, and a certified copy of the resolution of such board, ~~or boards,~~ pledging such county ~~or counties~~ to furnish ~~one half~~ fifty per cent of the cost of ~~construction or purchase~~ replacement of such bridge. The county share of replacement cost may be from any source except the State Aid Bridge Fund: Provided, that where there is any bridge ~~are bridges over streams~~ which ~~divide~~ is the responsibility of two counties, either county may make application to the department and, if the application is approved by the department, such county and the department may build such bridge ~~it shall be lawful for such county and the department to build or purchase the same~~ and ~~to~~ recover, by suit, ~~one-fourth~~ one half of the county's cost of such bridge from the county failing or refusing to join in such application. ~~Where any state aid bridge is constructed or purchased, under the provisions of this section, and any county liable for a share of the cost thereof shall be unable to pay its share out of the regular levy for bridge funds, the county board therein is hereby authorized and required to make an annual levy, in addition to other levies authorized by law, of one-fifth mill on the dollar upon the assessed value of all the taxable property in such county, except intangible property, for such period as may be necessary to pay such county's share of the cost of the bridge. Any amount realized by the one-fifth mill levy, in excess of the requirements for such state aid bridge, may be transferred to the general road and bridge~~

~~fund of the county. Provided, in lieu of the one-fifth mill levy, such bridge may be operated as a toll bridge under rules and regulations prescribed by the Department of Roads until such time as the county or counties interested shall collect funds equal to one half of the cost of construction or purchase and maintenance of such bridge.~~ All requests for bridge replacement under this act shall be forwarded by the department to the Board of Public Roads Classifications and Standards. Such board shall establish priorities for bridge replacement, based on critical needs. The board shall, in June and December of each year, consider such applications and establish priorities for a period of time consistent with sections 39-2115 to 39-2119. The board shall return the applications to the department with the established priorities.

(2) The plans and specifications for each bridge shall be furnished by the Department of Roads and replacement shall be under the supervision of the department and the county board.

(3) Any contract for the replacement of any such bridge shall be made by the Department of Roads consistent with procedures for contracts for state highways and federal aid secondary roads.

(4) After the replacement of any such bridge and the acceptance thereof by the Department of Roads, any county having jurisdiction over it shall have sole responsibility for maintenance.

Sec. 3. That section 39-2223, Revised Statutes Supplement, 1972, be amended to read as follows:

39-2223. Under the authority granted by Article XIII, section 1, of the Constitution of Nebraska, the Legislature hereby authorizes the issuance of bonds in the principal amount of twenty million dollars in 1969 and in the principal amount of ten million dollars ~~in 1971~~ on or before June 30, 1975, with the proceeds thereof to be used for the construction of highways in this state, the Legislature expressly finding that the need for such construction requires such action. Such bonds shall in all respects comply with the provisions of Article XIII, section 1, of the Constitution of Nebraska.

Sec. 4. That section 39-2224, Revised Statutes Supplement, 1972, be amended to read as follows:

39-2224. The proceeds of the sale of bonds authorized by section 39-2223 are hereby appropriated to the Highway Cash Fund of the Department of Roads, for the biennium ending June 30, ~~1971~~ 1975, for expenditure for the construction of highways, as defined in sections 39-2201 to 39-2222, with first priority on the use thereof to be for completion of the Nebraska portion of the National System of Interstate and Defense Highways as it now exists.

Sec. 5. That section 66-410, Revised Statutes Supplement, 1972, be amended to read as follows:

66-410. At the time of filing the statement, required by section 66-409, such dealer shall, in addition to the other taxes provided for by law, pay a tax of ~~eight~~ nine and one half cents per gallon upon all motor vehicle fuels as shown by such statement; Provided, that effective January 1, 1973, gasoline sold in Nebraska which contains a minimum of ten per cent blend of an agricultural ethyl alcohol of at least one hundred ninety proof shall be subject to a state motor fuel tax which is three cents per gallon less than gasoline which does not contain such a blend. When the sale in Nebraska of gasoline containing such a blend exceeds ten million gallons per year, an adjustment in the tax may be considered by the Legislature. Such dealers shall remit such tax to the Tax Commissioner.

Sec. 6. That section 66-421, Revised Statutes Supplement, 1972, be amended to read as follows:

66-421. ~~All~~ Except as provided in this section, all sums of money received under sections 66-410 and 66-428 by the State Treasurer shall be placed by him in a fund to be known as the Highway Trust Fund, except that the State Treasurer shall first transfer such amounts to the Tax Refund Fund as the Tax Commissioner shall determine to be equal to the credits and refunds allowed under the provisions of sections 66-445 to 66-466 and shall transfer to the Grain Alcohol Fuel Tax Fund the amounts required by section 66-452. Any money in the Highway Trust Fund available for investment shall be invested by the state investment officer pursuant to the provisions of sections 72-1237 to 72-1259; Provided, that the proceeds of one cent per gallon of the tax received under sections 66-410 and 66-428 shall be allocated by the State Treasurer to the Department of Roads for the Special Highway Transportation Needs Fund.

Sec. 7. That section 66-428, Revised Statutes Supplement, 1972, be amended to read as follows:

66-428. There is hereby levied and imposed an excise tax of ~~eight~~ nine and one half cents per gallon upon the use of all motor vehicle fuels, as defined by section 66-401, used in this state, and due the State of Nebraska under the provisions of section 66-410 or

Chapter 66, article 6; Provided, that such excise tax after January 1, ~~1973~~ 1974, shall be ~~five~~ six and one half cents per gallon on motor fuel containing a minimum of ten per cent blend of agricultural ethyl alcohol of at least one hundred ninety proof, and ~~eight~~ nine and one half cents per gallon on gasoline which does not contain such a blend. Use a motor vehicle fuels subject to taxation under this section shall be allowed the same exemptions, deductions, and rights of reimbursement as are authorized and permitted by sections 66-413 and 66-414. For purposes of this section and section 66-429, use shall mean the purchase or consumption of motor vehicle fuels in this state.

Sec. 8. That section 66-605, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-605. There is hereby levied and imposed an excise tax of eight nine and one half cents per gallon on the use, within the meaning of the word use as defined in subdivision (5) of section 66-602, of special fuel in any motor vehicle as defined in subdivision (7) of section 66-602. The tax, with respect to all special fuel delivered by a special fuel dealer into supply tanks of motor vehicles in this state, shall attach at the time of such delivery and shall be collected by such dealer and be paid over to the motor fuel tax administrator as provided by sections 66-601 to 66-640.

Sec. 9. The Department of Roads shall administer the funds deposited in the Special Highway Transportation Needs Fund as follows:

(1) Each month sixty-four thousand dollars from the Special Highway Transportation Needs Fund shall be allocated to the State's share of the cost of replacing bridges under this act; and

(2) The balance of funds remaining after the allocations for the state's share of the cost of replacing bridges under this act shall be expended for the improvement of the remaining mileage of gravel-surfaced state highways to adequate standards. Fund surplus to this need shall be expended for highway improvement projects for which federal aid matching funds are not available.

Sec. 10. This act shall become operative on January 1, 1974.

Sec. 11. That original sections 39-846, 39-847, and 66-605, Reissue Revised Statutes of Nebraska, 1943, and sections 39-2223, 39-2224, 66-410, 66-421, and

66-428, Revised Statutes Supplement, 1972, are repealed.

Sec. 12. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.

NOTICE OF COMMITTEE HEARING
Public Works

LB 87 Further hearing on Wednesday, April 4, 1973 1:00 p.m.

(Signed) Maurice A. Kremer, Chairman

PRESIDENT MARSH PRESIDING

GENERAL FILE

LEGISLATIVE BILL 180. Title read. Considered.

Standing Committee amendments found in the Journal on page 649 for the Fortieth Day were adopted.

Mr. Simpson offered the following amendment to the Standing Committee amendments which was adopted:

Amend the Standing Committee amendments by striking "asylums," in line 12.

Bracketed until Monday, April 2, at the request of Mr. Kelly.

MOTION—Return LB 336A to Select File

Mr. Duis moved to return LB 336A to Select File for the following specific amendment:

Add the emergency clause.

The motion prevailed with 28 ayes, 0 nays and 21 not voting.

SELECT FILE

LEGISLATIVE BILL 336A. The Duis specific amendment found in today's Journal was adopted.

Advanced to E & R for Re-engrossment.

GENERAL FILE

LEGISLATIVE BILL 435. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 483. Title read. Considered.

Mr. Goodrich offered the following amendment:
1. In section 1, line 23, after "association" insert "or licensed hospital".

The amendment was adopted with 14 ayes, 11 nays and 24 not voting.

MR. WHITNEY PRESIDING

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

NOTICE OF COMMITTEE HEARINGS

Rules

The Rules Committee will meet in Executive Session Wednesday, March 28, 1973 at 1:30 p.m., in the Legislative Council Hearing Room 2102.

(Signed) Herbert J. Duis, Chairman

Committee on Committees

March 27, 1973

The Committee on Committees will meet at 12:45 p.m., Thursday, April 5, 1973, in the East Hearing Room, for the purpose of hearing appointments submitted by Governor J. James Exon as follows:

Code of Ethics Board

Lay Members:
Donald R. Treadway
Charles Brodersen

State Government Representatives:
Thomas D. Doyle, Department of Roads
William E. Peters, Department of Revenue

E. K. Yanney – Nebraska Investment Council

(Signed) Ramey C. Whitney, Chairman

ANNOUNCEMENT

Mr. Luedtke announced that the Judiciary Committee will hold an Executive Session on Wednesday, March 28, 1973 at 1:00 p.m.

STANDING COMMITTEE REPORTS
Nebraska Retirement Systems

LEGISLATIVE BILL 428. Placed on General File as amended.
Standing Committee amendments to LB 428:

1. On page 2, line 1, insert ", on behalf of the state," after "Board".
2. on page 2, line 2, strike "all" and insert "any"; strike "employees" and insert "employee, including a person under contract providing services to the state"; and strike "are" and insert "is".
3. On page 2, line 4, insert "or technical community colleges," after the comma.
4. On page 2, line 6, insert "fixed or variable" after "or".
5. On page 2, strike beginning with "life" in line 8 through "an" in line 9.
6. On page 2, line 22, insert "contributions or" after "pension".
7. On page 2, line 23, strike "deducted" and insert "deferred".
8. Insert two new sections to read as follows:

"Sec. 2. The Public Employees' Retirement Board shall act as custodian for all policies and annuity contracts purchased in the name of the State of Nebraska under the terms of this act. The board shall receive all rights and incidents of ownership of such policies and annuity contracts. The employee shall have no interest in any policy or annuity contract or the proceeds thereof until such time as payments shall be paid under the terms of the deferred compensation plan.

Sec. 3. The Public Employees' Retirement Board shall receive payments or benefits of any insurance policies or annuity contracts purchased under the provisions of this act. The payments and benefits shall be deposited in the Deferred Compensation Fund which is hereby created. The State Treasurer shall make payments to the employees from the Deferred Compensation Fund.".

LEGISLATIVE BILL 492. Placed on General File as amended.
Standing Committee amendment to LB 492:

1. On page 2, line 5, insert "permanent full-time" after "all"; in line 7 strike "but" and insert an underscored period; strike the new matter lines 8 to 10; lines 10 and 11 strike "; Provided, that membership" and show as stricken and insert "Membership"; and at the end of line 11 insert "or temporary".

(Signed) Ramey C. Whitney, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-engrossed

The following bill was correctly re-engrossed: 206.

Correctly Engrossed

The following bills were correctly engrossed: 380, 77 and 77A.

(Signed) John J. Cavanaugh, Chairman

GENERAL FILE

LEGISLATIVE BILL 269. Title read. Considered.

Standing Committee amendment found in the Journal on page 664 for the Forty-first Day was adopted.

Mr. Clark moved to indefinitely postpone. The motion prevailed with 15 ayes, 12 nays and 22 not voting.

LEGISLATIVE BILL 357. Title read. Considered.

Standing Committee amendment found in the Journal on page 664 for the Forty-first day was adopted.

Laid over at the request of Mr. Carpenter.

PRESIDENT MARSH PRESIDING

LEGISLATIVE BILL 60. Title read. Considered.

Standing Committee amendment found in the Journal on page 678 for the Forty-second Day was adopted.

Mr. Cavanaugh offered the following amendment which was adopted:
In line 6 of the Standing Committee amendment insert "for identification purposes" after "needed".

Advanced to E & R for Review with 27 ayes, 5 nays and 17 not voting.

LEGISLATIVE BILL 265. Title read. Considered.

Mr. Carpenter offered the following amendments:
1. Section one, line 11, strike "15" and insert "50".
2. Section two (1) p.5, line 9, strike "one thousand" and insert "100.00".
3. Line 10, strike "one year" and insert "30 days".
4. Line 12, strike "one"; line 13, strike "hundred eighty" and insert "10".

Mr. Syas asked the amendments be considered separately.

Amendment 1 lost with 15 ayes, 19 nays and 15 not voting.

Amendment 2 was adopted with 24 ayes, 5 nays and 20 not voting.

Amendment 3 was adopted with 26 ayes, 1 nay and 22 not voting.

Mr. Carpenter asked unanimous consent to modify his amendment 4 by striking 10 and inserting 30. Mrs. Marsh objected.

Mr. Carpenter asked unanimous consent to withdraw his amendment 4. No objections. So ordered.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Re-engrossed

The following bill was correctly re-engrossed: 336A

(Signed) John J. Cavanaugh, Chairman

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 527. Placed on General File.

(Signed) J. W. Burbach, Chairman

Judiciary

LEGISLATIVE BILL 304. Indefinitely postponed.

(Signed) Roland A. Luedtke, Chairman

UNANIMOUS CONSENT–Member Excused

Mr. Snyder asked unanimous consent to be excused tomorrow at 10:30 a.m. and all day Thursday, March 29. No objections. So ordered.

MOTION–Adjournment

Mr. F. Lewis moved to adjourn. The motion lost with 7 ayes, 26 nays and 16 not voting.

GENERAL FILE

LEGISLATIVE BILL 265. Considered.

Mr. Carpenter offered the following amendment, which was adopted with 23 ayes, 13 nays and 13 not voting:

Amend Sec. 2 (2) line 12, by striking "one hundred eighty" and inserting "thirty".

Mr. Fowler moved to advance LB 265 to E & R for Review.

Mr. Richendifer moved for a Call of the House. The motion lost with 15 ayes, 19 nays and 15 not voting.

LB 265 failed to advance to E & R for Review with 22 ayes, 11 nays and 16 not voting.

VISITORS

President Marsh introduced 42 8th Grade students from West Point Public School, West Point and Mr. Hirschman, teacher.

ADJOURNMENT

At 4:11 p.m., on a motion by Mr. Hasebroock, the Legislature adjourned until 9:00 a.m., Wednesday, March 28, 1973.

Vincent D. Brown
Clerk of the Legislature

FIFTY-EIGHTH DAY–MARCH 28, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

FIFTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 28, 1973

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Marsh presiding.

PRAYER

The prayer was offered by the Chaplain.

> So often we feel that we are caught in a squeeze between actually serving, and only sitting around and waiting to serve; between what is expected from us, and what is possible for us; between what is demanded, and what we can deliver; between the aspirations of the many, and the limitations of their representatives.
>
> Look down upon us in our predicament, O God: Somehow, ease the pressures that squeeze us, so that the time remaining may be redeemed from the luxury of waiting. And from the rust of wasting. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. C. Carsten, Fellman, and Murphy who were excused; Mr. Chambers who was absent until 9:30 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-seventh Day was approved.

ATTORNEY GENERAL OPINION

March 27, 1973

Senator Fred W. Carstens
Nebraska State Legislature
State Capitol
Lincoln, Nebraska

Dear Senator Carstens:

In your letter of March 21, 1973, you ask whether an amendment to L. B. 312 is unconstitutional, or makes the entire bill unconstitutional. L. B. 312 amends Section 8-157, R. R. S. 1943, to increase from one to two the number of detached auxiliary teller offices a bank may maintain. The amendment you inquire about would limit the maintenance of such detached auxiliary teller offices to banks located in cities of not less than ten thousand inhabitants, and would also limit the maintenance of attached auxiliary teller offices to banks located in cities of that size.

The first question that must be answered is whether restricting the maintenance of such attached or detached auxiliary teller offices to cities having a population in excess of ten thousand is reasonable classification. In Dorrence v. County of Douglas, 149 Neb. 685, 32 N. W. 2d 202, a statute provided for different rules for boarding prisoners in county jails in counties having populations in excess of 200,000. The court, in upholding the statute, said:

> "All reasonable doubts must be resolved in favor of constitutionality in construing a legislative act. Sommerville v. Johnson, ante p. 167, 30 N. W. 2d 577. For purposes of legislation the Legislature may classify counties when the classification rests upon reasonable differences of situation or circumstances which call for distinctive legislation for the class. State ex rel. Cone v. Bauman, 120 Neb. 77, 231 N. W. 693. Where a class of counties is established on the basis of population in such a manner that other counties may in the future enter the class without additional legislation, the law is considered to be general in its nature. State v. Frank, 61 Neb. 679, 85 N. W. 956. The present act is not unconstitutional because of the fact that it is presently applicable to Douglas County alone. Where reasons exist for a legislative classification, which are not superficial or baseless, the courts may not properly interfere. Such classifications do not violate constitutional provisions against local and special legislation. Allan v. Kennard, 81 Neb. 289, 116 N. W. 63. While such classifications are necessarily somewhat arbitrary, they have been uniformly upheld by the courts. The care and feeding of prisoners in the various counties of the state is a matter which is affected by the population of the county. The evidence shows different conditions existing in the various counties of the state. The number of prisoners to be fed varies, generally in proportion to the population of the county. The facilities provided are not uniform and the labor contributed by the sheriffs and their families is a variable factor. The record shows that the classification of counties on a population basis is reasonable under the existing situation and that the Legislature was warranted in making such a classification for the purposes of the act. Under these circumstances it is not the province of the court to re-examine the evidence upon which the Legislature acted. If the

> Legislative classification is upon a rational basis, and consequently not unreasonable or arbitrary, it meets the requirements of the Constitution."

We believe that the Legislature could validly determine that more reason exists for permitting the types of auxiliary teller offices involved herein in larger cities than in smaller ones. In larger cities parking problems are likely to be more acute. Inhabitants of larger cities are more likely to live greater distances from the banks, and greater public convenience may be served by permitting the types of drive-in facilities contemplated by the auxiliary teller offices. These are at least some of the reasons the Legislature could conclude that such offices should be permitted in larger cities, but not in smaller ones, where the need was less pressing. We are not able to say that this classification is completely arbitrary, and therefore conclude that this legislation would be constitutional in that restpect.

The next question is whether the withdrawal of authority for the maintenance of such facilities by banks in cities having populations of less than ten thousand is a deprivation of property without due process of law as to banks in such cities now operating such facilities. We have checked with the Banking Department, and there is apparently at least one bank in a city of less than ten thousand which now operates a detached facility, and apparently several which operate attached facilities. The act contains no grandfather clause, so it would appear that such facilities would be required to be discontinued. The banks involved would, no doubt, content that this deprived them of property without due process of law.

In 10 Am. Jur. 2d 35, Banks, Section 10, we find:

> "Banking is a business peculiarly affected with a public interest and is therefore subject to reasonable regulations. Banks are indispensable agencies through which the industry, trade, and commerce of all civilized countries and communities are carried on; the business which they transact, though for private profit, is of a pre-eminently public nature, and is therefore universally recognized as a proper subject of legislative regulation under the police power of the state. Unlike other commercial or manufacturing corporations, banks are quasi-public in nature, and the legislatures have in the public interest exercised a careful supervision over them. The power of the legislature in this regard is supreme, subject only to such limitations as are imposed by the fundamental law. So it is that the obligations of the contracts between savings banks and their depositors are not unconstitutionally impaired by a subsequent proper exercise of the police power. Nor are contract obligations under a banking corporation's charter which is subject to alteration and repeal unconstitutionally impaired by the regulation of their business under the police power of the state. Moreover, the failure of a bank charter to reserve to the state the right of amendment, while preventing an enactment of legislation transgressing or infringing

> the rights secured to the bank by its charter, does not protect it against a valid exercise of the police power. Nor is such power of regulation subject to limitation so far as the Fourteenth Amendment to the Federal Constitution is concerned, except that such regulation must be reasonable."

In 9 C. J. S. 32, Banks and Banking, Section 5, this language is found:

> "A bank being of a quasi-public character (supra Section 1), the banking business is properly subject to reasonable legislative regulation under the police power of the state because of its nature and the relation which it bears to the fiscal affairs of the people and the revenues of the state, banks being the depositories of the money of the country. The rights of all persons having a direct contact with the business may be altered and changed in a reasonable manner, so that if, in the opinion of the proper authorities, a banking business can no longer be continued with safety the state may order it to cease, as the police power of a state extends even to the prohibition of engaging in the business of banking except upon such conditions as the state may prescribe."

If this legislation is passed, we must assume that the Legislature believes that the operation of these detached facilities is an undesirable practice which jeopardizes the safety of the bank, and is permitted in the larger cities simply because of the public convenience and necessity. The validity of this belief is a matter for determination by the Legislature, and certainly not by us. Assuming the premise of the undersirability of these facilities being maintained in the smaller cities, we believe the Legislature has the power to require discontinuance of even those already established. If the Legislature believes that in the smaller cities this is a bad banking practice, it has a right, in the exercise of its police powers, in view of the quasi-public character of the banking business, to order the discontinuance of the practice. We therefore believe that this would not be held to be a deprivation of property without due process of law.

Very truly yours,

CLARENCE A. H. MEYER
Attorney General

(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:ejg
cc Mr. Vincent D. Brown
Clerk of the Legislature

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 441. Placed on Select File as amended.
E & R amendments to LB 441:

1. On page 2, line 3, insert a comma after "act".
2. On page 3, line 25, strike "by" and insert "with".
3. In standing committee amendment 1, line 3, strike "the" and insert "this".
4. In standing committee amendment 2, line 2, strike "comma" and insert "period"; in line 4, strike "line 14" and insert "lines 14 and 15"; in line 5, strike "emergencies" and insert "emergency"; and in line 5, strike "line 17" and insert "lines 17 and 18".

LEGISLATIVE BILL 384. Placed on Select File.

LEGISLATIVE BILL 110. Placed on Select File as amended.
E & R amendments to LB 110:

1. On page 3, reinstate the stricken comma in line 4 and in line 17; and in line 8, insert "and" after the semicolon.
2. In standing committee amendment 1, line 5, insert an underscored comma after "area".
3. In lieu of the Carstens amendment to page 9, in standing committee amendment 8, line 2, insert " of the commission" after "member".
4. On page 9, line 19, strike "they feel" and insert "it feels".
5. On page 10, strike lines 5 to 7 and insert "Reissue Revised Statutes of Nebraska, 1943, are repealed.".
6. In the title, line 2, insert "24-806," after the second comma; in line 3, strike "24-808,"; and in line 12, insert a period after "sections" and strike the rest of the title.

LEGISLATIVE BILL 496. Placed on Select File as amended.
E & R amendments to LB 496:

1. On page 3, line 11, insert "in the private market place" after "acceptance"; and in line 13, insert an underscored semicolon after "manufacture" and strike the rest of the line and show the same as stricken.
2. On page 4, line 17, strike the comma; and in line 25, strike "year" and insert "biennium".
3. Add a new section to read:

"Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

4. In the title, line 7, strike "and"; and in line 8, insert "; and to declare an emergency" after "sections".

LEGISLATIVE BILL 457. Placed on Select File.

LEGISLATIVE BILL 250. Placed on Select File.

LEGISLATIVE BILL 280. Placed on Select File as amended.
E & R amendments to LB 280:

1. Renumber sections as follows: Sec. 3. inserted by the standing committee amendments on page 718 of the Journal as Section 1; original sections 1 and 2 as Sec. 2 and 3; sections 3 and 4 inserted by the standing committee amendments on page 719 of the Journal as Sec. 4 and 5; and original section 3 as Sec. 6.

2. On page 4, line 20, strike "and" and insert "~~and~~"; and in line 22, insert an underscored comma after "determine".

3. On page 5, line 25, strike the period and insert "~~.~~; and".

4. In the standing committee amendment 2 on page 718 of the Journal, insert "and" at the end of line 19.

5. In renumbered section 4, line 5, insert "of the Legislative Council" after "Board".

6. On page 5, line 26, insert a comma after "71-3708".

7. Add a new section to read:

"Sec. 7. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

8. In the title, line 3, insert "examinations or" after "for"; in line 4 strike "71-3708" and insert "23-1608, 71-3708,"; in line 6 strike "and" and insert "to change an approval requirement; to provide additional duties; to provide a Legislative Audit Review Committee;"; and in line 6 insert "; and to declare an emergency" after "sections".

LEGISLATIVE BILL 281. Placed on Select File as amended.
E & R amendment to LB 281:

1. In the title, strike beginning with "change" in line 4 through "paid" in line 5 and insert "eliminate a restriction on expenditures".

LEGISLATIVE BILL 282. Placed on Select File as amended.
E & R amendment to LB 282:

1. On page 2, line 2, insert "Nebraska" after "the".

(Signed) John J. Cavanaugh, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 177.

A BILL FOR AN ACT relating to railroads; to require railroads to maintain the margins along their tracks as prescribed; and to provide for enforcement.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Barnett
Burbach
Carpenter
F. Carstens
Cavanaugh
Clark
DeCamp
Dickinson
Duis
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Moylan
Proud
Rasmussen
Richendifer
Savage
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 2:

Epke
Nore

Not voting, 8:

Anderson
C. Carsten
Chambers
Fellman
Fowler
Marvel
Murphy
Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 248.

A BILL FOR AN ACT relating to higher education; to provide for recruitment expenses; to amend sections 79-2616 and 85-304, Reissue

Revised Statutes of Nebraska, 1943, and section 85-106, Revised Statutes Supplement, 1972; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Anderson Barnett Burbach Carpenter Clark
DeCamp Dickinson Duis Epke Fowler
Goodrich Hasebroock Johnson Kelly Keyes
Kime Kremer R. Lewis Luedtke Mahoney
Maresh Marsh Marvel Moylan Proud
Rasmussen Savage Schmit Skarda Snyder
Stahmer Stromer Stull Syas Waldron
Warner Whitney Wiltse

Voting in the negative, 7:

F. Carstens Cavanaugh Kennedy F. Lewis Nore
Richendifer Simpson

Not voting, 4:

C. Carsten Chambers Fellman Murphy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 355.

A BILL FOR AN ACT to amend section 79-1110, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to make it discretionary whether a Class VI school district shall have an elementary school coordinator; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Anderson Barnett Burbach Carpenter F. Carstens
Cavanaugh DeCamp Dickinson Duis Epke
Fowler Goodrich Hasebroock Johnson Kelly
Kennedy Keyes Kime Kremer F. Lewis

R. Lewis Luedtke Mahoney Maresh Marsh
Moylan Proud Rasmussen Richendifer Savage
Schmit Simpson Skarda Snyder Stromer
Stull Syas Waldron Warner Whitney
Wiltse

Voting in the negative, 0.

Not voting, 8:

C. Carsten Chambers Clark Fellman Marvel
Murphy Nore Stahmer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 395.

A BILL FOR AN ACT to amend section 79-1705, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to redefine the duties of certain superintendents; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Anderson Burbach Carpenter F. Carstens Cavanaugh
Clark DeCamp Dickinson Duis Epke
Fowler Goodrich Hasebroock Johnson Kelly
Kennedy Keyes Kremer F. Lewis R. Lewis
Luedtke Mahoney Maresh Marsh Marvel
Moylan Proud Rasmussen Richendifer Savage
Schmit Simpson Skarda Snyder Stahmer
Stromer Syas Waldron Warner Wiltse

Voting in the negative, 1:

Nore

Not voting, 8:

Barnett C. Carsten Chambers Fellman Kime
Murphy Stull Whitney

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 446.

A BILL FOR AN ACT to amend section 43-236, Reissue Revised Statutes of Nebraska, 1943, and section 43-233.01, Revised Statutes Supplement, 1972, relating to juvenile courts; to provide for selection of presiding judges and court personnel and the fixing of salaries as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Anderson	Barnett	Burbach	Carpenter	F. Carstens
Cavanaugh	Clark	DeCamp	Dickinson	Duis
Epke	Fowler	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Keyes	Kime	Kremer
F. Lewis	R. Lewis	Luedtke	Mahoney	Maresh
Marsh	Marvel	Moylan	Nore	Proud
Rasmussen	Richendifer	Savage	Schmit	Simpson
Skarda	Snyder	Stahmer	Stromer	Stull
Syas	Waldron	Warner	Whitney	Wiltse

Voting in the negative, 0.

Not voting, 4:

C. Carsten	Chambers	Fellman	Murphy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION—Place LB 323 on General File

Mr. Marvel renewed his pending motion found in the Journal on page 889 for the Fifty-third Day to place LB 323 on General File notwithstanding the committee action.

Mr. Stromer moved the previous question. The question is "Shall the debate now cease?" The motion lost with 23 ayes, 6 nays and 20 not voting.

The Marvel motion prevailed with 28 ayes, 10 nays and 11 not voting.

UNANIMOUS CONSENT—Member Excused

Mr. Warner asked unanimous consent to be excused this afternoon. No objections. So ordered.

ANNOUNCEMENT

Mr. Warner announced that the Education Committee would meet in Executive Session in Room 2227 at 12:00 noon on Monday, April 2 and Tuesday, April 3.

MOTIONS—Rule Changes

Mr. Kremer moved to amend Rule 4, Sec. 3, New sentence after last line as follows:

The chief introducer of a study resolution shall, if not otherwise a member of the committee to which the resolution is assigned, be a member of said committee, with full voting rights, but such membership shall not extend beyond the convening of the next legislative session.

Referred to Rules Committee.

Mr. Duis moved to amend Rule 4, Sec. 2, as follows:

When Considered as a Bill. Resolutions which propose amendments to the state constitution, propose the ratification of amendments to the federal constitution, or memorialize the Congress for the purpose of proposing amendments to the U. S. Constitution, or the rejection, change, alteration, amendment, or modification of rules under the provisions of section 84-504, Reissue Revised Statutes of Nebraska, 1943, shall be considered and adopted in the same manner as bills.

(Const. Art. III, Secs. 13, 14; Art. XVI, Sec. 1.)

Referred to Rules Committee.

ATTORNEY GENERAL OPINION

March 27, 1973

Senator Steve Fowler
Nebraska State Legislature
State Capitol
Lincoln, Nebraska

Dear Senator Fowler:

L. B. 271 would establish a state housing authority which is to be financed by the issuance by the authority of notes and bonds. These are to be the obligations of the housing authority and not of the State and are to be payable out of the revenue of the housing authority and any appropriations which future legislatures may provide. As the income of the housing developments and the proceeds of the sale of notes and bonds would be pledged to the repayment of the authority's obligations and these revenues would not be subject to legislative reappropriation there is raised the question of the constitutionality of the bonded indebtedness provisions.

The Nebraska Supreme Court has held analogous bonded indebtedness provisions invalid in State ex rel. Meyer v. Steen, 183 Neb. 297, and State ex rel. Meyer v. Duxbury, 183 Neb. 302, in 1968. The constitutional limitation upon state indebtedness appears in Article XIII, Section 1 of the Constitution of Nebraska.

> "The state may, to meet casual deficits, or failures in the revenue, contract debts never to exceed in the aggregate one hundred thousand dollars, and no greater indebtedness shall be incurred except for the purpose of repelling invasion, suppressing insurrection, or defending the state in war, and provision shall be made for the payment of the interest annually, as it shall accrue, by a tax levied for the purpose, or from other sources of revenue, which law providing for the payment of such interest by such tax shall be irrepealable until such debt is paid; Provided, that if the Legislature determines by a three-fifths vote of the members elected thereto that the need for construction of highways in this state requires such action, it may authorize the issuance of bonds for such construction, and for the payment of the interest and the retirement of such bonds it may pledge any tolls to be received from such highways or it may irrevocably pledge for the term of the bonds all or a part of any state revenue closely related to the use of such highways, such as motor vehicle fuel taxes or motor vehicle license fees; and provided further, that the Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, and the State Board of Education may issue revenue bonds to construct, purchase or otherwise acquire, extend, add to, remodel, repair, furnish and equip dormitories, residence halls, single or multiple dwelling units or other facilities for the housing and boarding of students, single or married, and faculty or other employees, buildings and structures for athletic purposes, student unions or centers, and for the medical care and physical development and activities of students and buildings or other facilities for parking, which bonds shall be payable solely out of revenue, fees and other payments derived from the use of the buildings and facilities constructed or acquired, including buildings and facilities heretofore or hereafter constructed or acquired, and paid for out of the proceeds of other issues of revenue bonds, and the revenue, fees and payments so pledged need not be appropriated by the Legislature, and any

> such revenue bonds heretofore issued by either of such boards are hereby authorized, ratified and validated. Bonds for new construction shall be first approved as the Legislature shall provide."

This provision has been interpreted by the court in Duxbury as a "limitation upon indebtedness . . . to prevent the anticipation of revenue by the creation of obligations to be paid from revenue to be received in future periods."

As the act would make the state housing authority an instrumentality of the State established for a public purpose, it would follow then that its revenue would be "public revenue," which must constitutionally be available to the Legislature for reappropriation. As the bonded indebtedness provisions of the act would pledge these funds for repayment of the authority's obligations and thus place them beyond the plenary control of the Legislature they violate the constitutional limitation upon indebtedness.

Very truly yours,

CLARENCE A. H. MEYER
Attorney General

(Signed) Betsy G. Berger
Assistant Attorney General

BGB:ejg

cc Mr. Vincent D. Brown
Clerk of the Legislature

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 526. Placed on General File.

LEGISLATIVE BILL 531. Placed on General File.

(Signed) J. W. Burbach, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 235.

Correctly Enrolled

The following bills were correctly enrolled: 177, 248, 355, 395 and 446.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bills: 177, 248, 355, 395 and 446.

UNANIMOUS CONSENT–Members Excused

Mr. Anderson asked unanimous consent to be excused Monday and Tuesday, April 2 and 3. No objections. So ordered.

Mr. Stromer asked unanimous consent to be excused at 11:40 a.m. today and all day tomorrow, March 29. No objections. So ordered.

MOTION–Introduce Bill

Mr. Carpenter moved the introduction of a new bill by the Committee on Miscellaneous Subjects (Request No. 866). The motion prevailed with 31 ayes, 0 nays and 18 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 547. By Committee on Miscellaneous Subjects: Carpenter, 48th District; Mahoney, 5th District; Waldron, 42nd District; Skarda, 7th District and Luedtke, 28th District.

A BILL FOR AN ACT to amend sections 72-801 and 72-802, Reissue Revised Statutes of Nebraska, 1943, relating to the erection of public buildings; to provide that an appropriation need not be completely set aside prior to the erection or repair of public buildings; and to repeal the original sections.

LEGISLATIVE BILL 449A. By Johnson, 15th District.

A BILL FOR AN ACT to appropriate thirteen thousand seven hundred six dollars from the state General Fund for the period of July 1, 1973 to June 30, 1974 to the Department of Health, Agency No. 20 for Program 514, Community Health Services, to aid in carrying out the provisions of Legislative Bill 449, Eighty-third Legislature, First Session, 1973.

REFERENCE COMMITTEE REPORT

LB	Committee
547	Miscellaneous Subjects

(Signed) Terry Carpenter, Chairman
Executive Board

UNANIMOUS CONSENT—Member Excused

Mr. Waldron asked unanimous consent to be excused tomorrow, March 29, 1973. No objections. So ordered.

ANNOUNCEMENT

Mr. Duis announced the Rules Committee meeting set for this afternoon has been cancelled.

SELECT FILE

LEGISLATIVE BILL 5. E & R amendment found in the Journal on page 956 for the Fifty-seventh Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 164. E & R amendments found in the Journal on page 956 for the Fifty-seventh Day were adopted.

Mr. Luedtke moved to return LB 164 to General File for the following specific amendment:

On page 28, beginning on line 12, add a new subsection to read as follows:

"(13) For investigating an application for approval of a detached auxiliary teller office pursuant to section 8-157, two hundred fifty dollars."

The motion prevailed with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 309. E & R amendments found in the Journal on page 956 for the Fifty-seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 425. E & R amendments found in the Journal on page 957 for the Fifty-seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 412. E & R amendments found in the Journal on page 957 for the Fifty-seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 429. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 430. E & R amendment found in the Journal on page 957 for the Fifty-seventh Day was adopted.

Advanced to E & R for Engrossment.

ANNOUNCEMENT

Mr. Marvel announced the Appropriations Committee would have an Executive Session at 12:00 noon to 2:00 p.m. today in Room 1003.

VISITORS

President Marsh introduced 44 ladies from Benson Womens Republican Club and President Mrs. Ruth Wilson from Omaha.

President Marsh introduced 12 Government students and teacher, Mr. Tom Cowan from Douglas Community School, Douglas.

President Marsh introduced 18 High School Seniors and teacher, Mr. Larry Hersberger from Adams High School, Adams.

President Marsh introduced 10 Kindergarten through sixth grade students and teacher, Ms. Connie Shields from Burt County District No. 43, Oakland.

President Marsh introduced 16 Fifth grade students and teacher, Mr. Melvin Hellbusch from Bruning School, Bruning.

RECESS

At 10:52 a.m., on a motion by Speaker Proud, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:00 p.m., President Marsh presiding.

The roll was called and all members were present except Messrs. C. Carsten, Fellman, Murphy, Kelly, Snyder, Stromer, Waldron and Warner who were excused; Mr. Nore who was excused till 2:30 p.m.

RESOLUTIONS

LEGISLATIVE RESOLUTION 24.

Introduced by Anderson, 37th District; Barnett, 26th District; Burbach, 19th District; Carpenter, 48th District; C. Carsten, 2nd District; F. Carstens, 30th District; Cavanaugh, 9th District; Clark, 47th District; DeCamp, 40th District; Dickinson, 31st District; Duis, 39th District; Epke, 24th District; Fellman, 4th District; Goodrich, 20th District, Hasebroock, 18th District; Johnson, 15th District; Kelly, 35th District; Kennedy, 21st District; Keyes, 3rd District; Kime, 43rd District; Kremer, 34th District; F. Lewis, 45th District; R. Lewis, 38th District; Luedtke, 28th District; Mahoney, 5th District; Maresh, 32nd District; Marsh, 29th District; Marvel, 33rd District; Moylan, 6th District; Nore, 22nd District; Proud, 12th District; Rasmussen, 41st District; Richendifer, 16th District; Savage, 10th District; Schmit, 23rd District; Simpson, 46th District; Skarda, 7th District; Snyder, 14th District; Stahmer, 8th District; Stromer, 36th District; Stull, 49th District; Syas, 13th District; Waldron, 42nd District; Warner, 25th District; Whitney, 44th District; Wiltse, 1st District.

WHEREAS, the Eastern Star Grand Lodge for the State of Nebraska was formally organized June 22, 1875 at Omaha, Nebraska, in the emergent tradition of Adoptive Masonry by which women whose husbands, fathers, sons, or brothers are Masons or deceased Masons, may organize with co-officers who are Masons to serve the same high principles and duties, appropriate to women, as do the members of Free and Accepted Masons of the world; and

WHEREAS, the Order of the Eastern Star, Grand Chapter of Nebraska, acknowledged jurisdiction of and joined with, the General Grand Chapter of the Order of the Eastern Star, formed in Indiana in 1876, believing it to be for the best interests of Adoptive Masonry to cooperate with the General Grand Chapter; and

WHEREAS, from the original twelve lodges of Nebraska, which met in Omaha in 1875, representing approximately 700 members, the Nebraska Order of the Eastern Star grew to approximately 40,000 members and the 1973 records total 238 chapters; and

WHEREAS, historically bestowed worldwide honors, and from antiquity to modern times the Lodges of Masonry and their younger auxiliaries of women established and enjoy worldwide bonds of brotherhood, are dedicated to their commitment to God, and the attributes of brotherly love, relief, and truth, and by their actions have achieved respect and honor among all people of the earth, Nebraska is justifiably proud of these contributors of brotherly love, relief, and truth.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

That highest tribute is accorded in centennial commemoration to the Grand Chapter of the State of Nebraska, Order of the Eastern Star, and its every member throughout this state, in their deeds and aims in furthering acts for the welfare of Nebraska society.

LEGISLATIVE RESOLUTION 25.

Introduced by Carpenter, 48th District.

WHEREAS, the height requirement established by the Nebraska State Patrol of five feet eight inches is discriminatory in nature and in practice, and

WHEREAS, the State Patrol of Nebraska receives One Hundred Eighty-three Thousand and no/100 ($183,000.00) Dollars in L E A A funds; and the United States Department of Justice has ruled that law enforcement agencies must abolish height requirements or lose L E A A grants, and

WHEREAS, any efforts expended in acquiring information to justify height requirements would only create further and unnecessary cost to the State of Nebraska,

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the State of Nebraska shall rescind and revoke its discriminatory height requirement for applicants to the State Patrol, and
2. That hereafter the requirements for applicants to said State Patrol shall be based solely on general mental and physical qualifications.

Mr. Carpenter moved to refer this resolution to a committee. The motion prevailed with 25 ayes, 0 nays and 24 not voting.

REFERENCE COMMITTEE REPORT

LB	**Committee**
LR 25	Miscellaneous Subjects

(Signed) Terry Carpenter, Chairman
Executive Board

GENERAL FILE

LEGISLATIVE BILL 331. Title read. Considered.

Standing Committee amendments found in the Journal on page 699 for the Forty-third Day were adopted.

Laid over temporarily.

LEGISLATIVE BILL 352. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 479. Title read. Considered.

Standing Committee amendment found in the Journal on page 865 for the Fifty-second Day was adopted.

Advanced to E & R for Review with 30 ayes, 0 nays and 19 not voting.

LEGISLATIVE BILL 420. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 478. Title read. Considered.

Standing Committee amendments found in the Journal on page 865 for the Fifty-second Day were adopted.

Advanced to E & R for Review with 32 ayes, 0 nays and 17 not voting.

LEGISLATIVE BILL 480. Title read. Considered.

Standing Committee amendments found in the Journal on page 865 for the Fifty-second Day were adopted.

Advanced to E & R for Review with 30 ayes, 0 nays and 19 not voting.

LEGISLATIVE BILL 527. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 428. Title read. Considered.

Standing Committee amendments found in the Journal on page 978 for the Fifty-seventh Day were adopted.

Advanced to E & R for Review with 31 ayes, 0 nays and 18 not voting.

LEGISLATIVE BILL 492. Title read. Considered.

Standing Committee amendment found in the Journal on page 978 for the Fifty-seventh Day was adopted.

Advanced to E & R for Review with 30 ayes, 0 nays and 19 not voting.

LEGISLATIVE BILL 331. Considered.

Mr. Cavanaugh offered the following amendment:
Page 7, line 24, strike "500" and insert "10". Line 25, strike "6 months" and insert "2 days".

The amendment lost.

Mr. Dickinson moved the previous question. The question is, "Shall the debate now cease?" The motion prevailed with 25 ayes, 2 nays and 22 not voting.

Advanced to E & R for Review with 30 ayes, 0 nays and 19 not voting.

LEGISLATIVE BILL 378. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays and 20 not voting.

LEGISLATIVE BILL 73. Title read. Considered.

Standing Committee amendments found in the Journal on page 970 for the Fifty-seventh Day were adopted.

Mr. Carpenter offered the following amendment which was adopted:
Page 31, Line 18 strike "3" and insert "5" and all other places necessary to conform.
Line 23 after "County." insert "County Treasurer, County Assessor"

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 17. Title read. Considered.

Standing Committee amendments found in the Journal on page 966 for the Fifty-seventh Day were adopted.

Advanced to E & R for Review with 26 ayes, 1 nay and 22 not voting.

SELECT COMMITTEE REPORT
Committee on Committees

March 28, 1973

Mr. President:
The Committee on Committees desires to report favorably upon the appointment of Dr. Jack Anderson, Director of Public Institutions, submitted by Governor J. James Exon. The Committee suggests that the appointment be confirmed by the Legislative Body and suggests a record vote.

Committee Vote: For: (8) Senators Duis, Epke, Nore, Snyder, Stromer, Stull, Whitney and Wiltse

Against: (4) Senators Barnett, Chambers, Luedtke and Johnson

Present and not voting: Senator Stahmer

Those appearing in favor of Dr. Anderson were:

Dr. J. Whitney Kelley – Chm. Mental Health Committee, Nebraska Medical Association
George Traub – Counselor – Alcoholic Treatment, Immanuel Medical Center, Omaha
Mel Mains – private citizen and Past Pres. – Lincoln Council on Alcoholism and Drugs
John Feichtmayer – Administrator – Island of Hope
Dr. David W. Bean – Med. Dir. – Douglas County Hospital
Sen. Thomas C. Kennedy – 21st Legislative District
Dick Parker – Nebr. Federation of the Blind of Nebraska

Those submitting letters of written testimony in favor of Dr. Anderson were:

Gene Mitchell – private citizen – Ogallala, Nebraska
Clayton Pettipiece, M. D., Omaha, Nebraska
Patrick C. Krell – Chief Adult Probation Officer – State of Nebraska 4th Judicial Dist.
George H. Young, III, MS – psychologist, Omaha, Nebr.
Allan Lovrien – private citizen, Omaha, Nebraska
Rev. John Paolini – Chaplain – Supervisor ACPE
J. Waldo Greer – Chaplain – Beatrice State Home
C. Allen Roehl, PHD – Adm. Dir. – Panhandle Mental Health Center

Those signing the register in favor of Dr. Anderson were:

James R. Dunlap, M. D. – psychiatrist, Omaha, Nebraska
Merwin Riepe, Adm. – Mental Health Division, Lutheran Medical Center, Omaha, Nebraska
Harold L. Snow – psychiatric social worker – North Platte Psychiatric Clinic
William R. Marsh, M. D. – psychiatrist – Omaha, Nebr.
Myra Johnson – Caseworker, Douglas County Hospital
Mrs. Joyce Sutton – private citizen

Those appearing in opposition to Dr. Anderson were:

Albert Schrekinger – private citizen, Lincoln

Sandra Petrick – private citizen, Lincoln
LeRoy Hass – private citizen – Lutheran minister
Ann Barton – private citizen – caseworker
Hulda Roper – Policewoman – Lincoln Police Department
Charlie O. Taylor – private citizen – youth worker in Omaha
Aileen Kaye – former guard at Lincoln Regional Center
L. C. Wilson – private citizen, Lincoln
Mrs. Hazel Barton – private citizen – Lincoln
John Foley – Exec. Director – Nebraska Association for Retarded Children

Those submitting letters or written testimony in opposition to Dr. Anderson were:

Mahlon E. Howard – Counselor – Crete Jr. High School
Charles H. Haywood – Employed as Director of Psychological Consultation Center, U. of N.

Those signing the register in opposition to Dr. Anderson:

Richard Littman
Douglas Higgins

Respectfully submitted,

(Signed) Ramey C. Whitney, Chairman
Committee on Committees

MOTION—Rule Change

Mr. Epke moved the following Rule Change:

Amend Rule 3 Sec. 12 to read as follows:
INDEFINITELY POSTPONED BILLS. (A) If the standing committee report on a bill be to postpone indefinitely, the bill shall stand indefinitely postponed; Provided, that such bill may be placed on General File or referred back to the standing committee by a ~~majority~~ three-fifths vote of the elected members upon motion made within three legislative days after the committee makes its report to the Legislature, or by a two-thirds vote of the elected members upon motion made more than three legislative days after such committee report. (b) Not more than one bill shall be raised from committee on any one motion. A motion to raise cannot be amended to include any other bill or subject matter. A motion to raise must be disposed of by the Legislature within five legislative days after making the same or it shall be deemed defeated. Consideration of motions pending shall be included in the regular order of business following resolutions.

Referred to the Rules Committee.

VISITORS

President Marsh introduced 21 students from Otoe Public School, Otoe, 3 adults and Rildah Royal, teacher.

President Marsh introduced 20 5th and 6th Grade students from Deshler Public School, Deshler and Mrs. Wm Posvar.

President Marsh introduced 60 5th and 6th Grade students from Humboldt School, Humboldt and teachers Mrs. Stalder and Mrs. Leech.

President Marsh introduced 44 5th Grade students from Hebron Public School, Hebron and teachers Miss Langner and M. J. Lake.

President Marsh introduced 54 11th Grade students from Tri-County School, DeWitt, Plymouth, Swanton and Western, Nebraska with teachers Grant Tyree and Jim Edwards.

ADJOURNMENT

At 3:52 p.m., on a motion by Mr. Hasebroock, the Legislature adjourned until 9:00 a.m., Thursday, March 29, 1973.

Vincent D. Brown
Clerk of the Legislature

FIFTY-NINTH DAY—MARCH 29, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

FIFTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 29, 1973

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Marsh presiding.

PRAYER

Prayer was offered by the Chaplain.

> Today we need patience, O Lord our God.
>
> For we grow weary with the hearing and reading and pondering of words upon words, and considering how we might like to punctuate or rephrase or clarify, and determining whether to postpone or approve or defeat.
>
> We need to be patient with ourselves, and perhaps with one another.
>
> But don't make us so patient that we cease to be impatient with things that are not as they should be in Nebraska.
>
> Keep us uncomfortable with ourselves and with each other just so long as conditions remain unchanged which we have the power and authority to improve. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. C. Carsten, Fellman, Snyder, Stromer and Waldron who were excused; Mr. Chambers who was absent until 9:30 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-eighth Day was approved.

UNANIMOUS CONSENT—Bracket LB 275

Mr. Syas asked unanimous consent to bracket LB 275 on General File. No objections. So ordered.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 264. Indefinitely postponed.

(Signed) Jerome Warner, Chairman

Public Works

LEGISLATIVE BILL 438. Placed on General File as amended.
Standing Committee amendments to LB 438:

1. Strike sections 1 and 2 and insert two new sections to read as follows:

"Section 1. That section 75-304.01, Revised Statutes Supplement, 1972, be amended to read as follows:

75-304.01. The commission shall prescribe minimum rates, fares and charges for contract carriers. No reduction shall be made in any such charge, either directly or by means of any change in any rule, regulation or practice affecting such charge or the value of service thereunder, except after ten days' notice of the proposed change filed in the form and manner provided for common carrier rate changes. Such notice shall plainly state the change proposed to be made and the time when such change will take effect. No such carrier shall demand, charge or collect less compensation for such transportation than the charges to be made by common carriers for the same transportation in accordance with Chapter 75, article 3, as affected by any rule, regulation or practice so filed, or as may be prescribed by the commission, and it shall be unlawful for any such carrier to charge less than the rates, fares and charges approved by the ~~State Railway~~ Public Service Commission; Provided, that nothing in this section shall require common or contract carriers by motor vehicle of bullion, currency, jewels, checks, and valuables to file tariffs or contracts identifying the security provisions which are required for the protection of such valuables~~.~~; and provided further, that the rates charged by common carriers and contract carriers of audit and accounting media, business records, cash letters, checks, data processing media and microfilm for financial institutions shall not be governed or controlled by any of the provisions of Chapter 75 prescribing or establishing rates and charges.

Sec. 2. That original section 75-304.01, Revised Statutes Supplement, 1972, is repealed.".

(Signed) Maurice A. Kremer, Chairman

NOTICE OF COMMITTEE HEARING
Miscellaneous Subjects

LB 547	Thursday, April 5, 1973	1:00 p.m.
LR 25	Thursday, April 5, 1973	1:00 p.m.

(Signed) J. James Waldron, Chairman

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 360. With emergency.

A BILL FOR AN ACT to amend section 28-945, Reissue Revised Statutes of Nebraska, 1943, relating to crimes and punishments; to provide an exemption for certain coin-operated mechanical games; to repeal the original section, and also sections 28-972 to 28-974, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Anderson Barnett Burbach Carpenter F. Carstens
Clark DeCamp Dickinson Duis Fowler
Goodrich Hasebroock Johnson Kelly Kennedy
Keyes Kime R. Lewis Luedtke Mahoney
Maresh Marsh Marvel Moylan Murphy
Proud Rasmussen Richendifer Savage Schmit
Simpson Skarda Stahmer Stull Syas
Warner Whitney Wiltse

Voting in the negative, 0.

Not voting, 11:

C. Carsten Cavanaugh Chambers Epke Fellman
Kremer F. Lewis Nore Snyder Stromer
Waldron

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

RESOLUTIONS

LEGISLATIVE RESOLUTION 26.

Introduced by Syas, 13th District; F. Carstens, 30th District; Burbach, 19th District; Keyes, 3rd District; Anderson, 37th District.

WHEREAS, hunters and fishermen were among the first to recognize the immeasurable worth of Nebraska's natural landscape and clean streams and have led the fight to preserve these valuable treasures and the life in them; and

WHEREAS, Nebraska's sportsmen have set aside many parcels of these lands and streams as homes for fish and wildlife, purchasing or aiding in the purchase of a substantial number of Nebraska's state-owned outdoor recreation and wildlife areas with revenues from hunting and fishing license fees or federal funds from excise taxes on their guns, ammunition, and tackle; and

WHEREAS, they have willingly shared these areas with the rest of the state's citizens for many uses other than hunting and fishing; and

WHEREAS, hunters and fishermen have borne costs of fish and wildlife restoration and management even though the benefit of this work is enjoyed by all the citizens of our state; and

WHEREAS, the Congress and the President of the United States have been called upon to recognize hunters and fishermen throughout the nation for their contributions to conservation and outdoor recreation,

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE, FIRST SESSION, that the fourth Saturday of each September be set aside as HUNTING AND FISHING DAY in Nebraska, to coincide with NATIONAL HUNTING AND FISHING DAY.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Governor of the State of Nebraska, and that he be requested to aid in recognizing contributions of sportsmen by issuing a proclamation designating HUNTING AND FISHING DAY in Nebraska.

Laid over.

EXPLANATION OF VOTE

Had I been present on March 28, I would have voted "aye" on LB 177.

(Signed) Loran Schmit

STANDING COMMITTEE REPORT
Revenue

LEGISLATIVE BILL 294. Placed on General File as amended.

Standing Committee amendments to LB 294:

1. Strike section 1 and insert:

"Section 1. Any political subdivision, tax exempt corporation, or proprietorship acting with respect to any hospital and which provides office buildings or office space to tenants who shall be engaged in private enterprise shall charge such tenants a sufficient amount of rent so that a portion of the rent payments shall be in lieu of taxes. Such payments in lieu of taxes shall be paid to the county treasurer to be allocated to the taxing units within which the property is located so that each shall receive, as in lieu of tax payments, the same amount that it would have received from such property if it were not exempt from taxation.

Sec. 2. Space provided for supportive medical services to inpatients in hospitals shall be exempt from section 1 of this act.".

(Signed) J. W. Burbach, Chairman

SELECT FILE

LEGISLATIVE BILL 441. E & R amendments found in the Journal on page 986 for the Fifty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 110. E & R amendments found in the Journal on page 986 for the Fifty-eighth Day were adopted.

Mr. F. Carstens offered the following amendment:
Add the emergency clause.

The amendment was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 496. E & R amendments found in the Journal on page 986 for the Fifty-eighth Day were adopted.

Bracketed at the request of Mr. Schmit.

LEGISLATIVE BILL 457. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 250. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 280. E & R amendments found in the Journal on page 987 for the Fifty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 281. E & R amendment found in the Journal on page 987 for the Fifty-eighth Day was adopted.

Mr. Marvel offered the following amendment:

After line 11, page 3 insert:

Section 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.

The amendment was adopted with 30 ayes, 0 nays and 19 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 282. E & R amendment found in the Journal on page 988 for the Fifty-eighth Day was adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Unbracket LB 417

Mr. Richendifer asked unanimous consent to unbracket LB 417 on E & R Final. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 384. Mr. Dickinson offered the following amendment:

1. On page 6, strike the new matter and reinstate the stricken matter; and in line 24, insert ", but farm trailer shall not include a trailer so used when attached to a farm tractor" after "X".

The amendment was adopted with 30 ayes, 0 nays and 19 not voting.

Advanced to E & R for Engrossment.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 506A. By Carpenter, 48th District.

A BILL FOR AN ACT to appropriate five thousand six hundred fifty-two dollars from the state General Fund for the period of July 1, 1973 to June 30, 1974 to the Commission on Mexican-Americans, Agency No. 506 for Program 537, Mexican-American Commission, to aid in carrying out the provisions of Legislative Bill 506, Eighty-third Legislature, First Session, 1973.

UNANIMOUS CONSENT–Print in Journal

Mr. Syas asked unanimous consent to have the following Committee Statement on LR 19 printed in the Journal. No objections. So ordered.

CONSTITUTIONAL REVISION AND RECREATION COMMITTEE

LR 19

The original Resolution called for a Constitutional Convention by the various states. There has been only one Federal Constitutional Convention before and that was the original one. The Committee felt that it was doubtful that if a Constitutional Convention were called by the states, and even if the specific reason for its calling was cited, that the delegates would stay within that format. Knowledgeable people in this field indicate that regardless of the reason the Convention was called the Convention could go into anything and rewrite the Federal Constitution. Therefore, to forestall that from happening the Committee amended the Resolution to urge Congress to pass this Constitutional Amendment and give it to the states for ratification. This is the usual method by which amendments to the Federal Constitution have been handled. This has been a safe and sound method.

In order to clarify further a suggestion might be made to amend the Resolution using the word bussing, which is what the amendment is all about, but doesn't specifically say so.

Appearing in favor of LR 19 was its introducer, Senator Terry Carpenter.

Appearing in opposition to LR 19 were Tereas K. Jackson, Nebraska League of Women Voters and Kappie Weber, Nebraska League of Women Voters.

It was moved and seconded that LR 19 as amended be advanced to General File. Motion passed: 6 Ayes, 1 Nay, 0 Not Voting and 0 Absent. Voting Aye were Senators Syas, Anderson, Burbach, Carstens, Kelly and Snyder. Voting Nay was Senator Keyes.

MOTION–Suspend Rules

Mr. Kremer moved to suspend the Rules and introduce a new bill by the Committee on Public Works and to place the bill directly on General File. (Request No. 872) The motion prevailed with 30 ayes, 0 nays and 19 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 548. By the Public Works Committee: Kremer, 34th District, Chairman; Hasebroock, 18th District; Wiltse, 1st District; Moylan, 6th District; R. Lewis, 38th District; Warner, 25th District.

A BILL FOR AN ACT to amend section 24-536, Revised Statutes Supplement, 1972, as amended by Legislative Bill 6, Eighty-third Legislature, First Session, 1973, relating to courts; to provide for trial of traffic infractions without a jury as prescribed; and to repeal the original section.

MOTION—State Office Building

This body and the Governor have agreed that the construction of a State Office Building is imperative. Accordingly, we have passed LB 447 and the Governor has signed it into law. Taking into consideration the bond market, construction economy, and the desire by the Legislature to see an early construction start, Mr. Carpenter moved that the Legislature request from the State Building Commission and the Governor a time schedule showing:

1) tentative meeting with City of Lincoln officials
2) completion of building plans
3) construction start time
4) building completion and occupancy.

The motion prevailed with 28 ayes, 0 nays and 21 not voting.

Mr. Carpenter requested that a copy of this motion be sent to the Governor and to the State Building Commission.

MOTION—Place LB 66 on General File

Mr. Barnett moved to place LB 66 on General File notwithstanding the committee action.

Motion pending.

UNANIMOUS CONSENT—Member Excused

Mr. Kime asked unanimous consent to be excused at 3:00 p.m. today. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 452. Replaced on Select File as amended.
E & R amendments to LB 452:

1. On page 12, line 11, insert "and inspection" after "investigation".
2. In line 2 of E & R amendment 1, adopted 3/23/73, strike "31" and insert "32".
3. In line 3 of the Marvel amendment 17, strike "(11)" and insert "(10)".
4. In the last line of the Marvel amendment 18, strike the first period and insert an underscored semicolon.

LEGISLATIVE BILL 431. Placed on Select File as amended.
E & R amendment to LB 431:

1. In the title, line 5, strike "procedure for charging" and insert "the maximum charge"; and in line 6, strike "create" and insert "change to".

LEGISLATIVE BILL 182. Placed on Select File as amended.
E & R amendments to LB 182:

1. On page 6, line 12, insert "connected with swine brucellosis control" after "activities".
2. Add a new section to read:

"Sec. 21. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

3. In the title, line 7, strike "and"; and in line 8 insert "; and to declare an emergency" before the period.

LEGISLATIVE BILL 182A. Placed on Select File.

LEGISLATIVE BILL 324. Placed on Select File as amended.
E & R amendment to LB 324:

1. In the title, line 6, insert "on any segment of highway that is not hard-surfaced" after "standards".

LEGISLATIVE BILL 346. Placed on Select File.

LEGISLATIVE BILL 463. Placed on Select File.

LEGISLATIVE BILL 344. Placed on Select File as amended.
E & R amendments to LB 344:

1. On page 2, lines 15 and 26, strike the comma; in lines 16 and 27, insert "requested" after "receipt"; and in line 18, insert a comma after "city".
2. On page 3, line 7, strike the comma; and strike line 16 and insert "within the boundaries of the

political subdivision, special assessment district, or taxing district involved.".

3. In the title, strike lines 2 to 7 and insert:
"FOR AN ACT relating to notice; to require notice as
prescribed before any political subdivision or
special taxing district is formed or special
assessment imposed except as prescribed.".

LEGISLATIVE BILL 356. Placed on Select File as amended.
E & R amendments to LB 356:

1. On page 2, line 5, strike "Nebraska"; in line 8 strike "this" and insert "such"; strike the sentence beginning in line 9 and insert "Such permit shall expire on December 31 of the year for which issued."; in line 22 strike "authorizes" and insert "shall authorize"; insert a comma at the end of line 23 and after "raptors" in line 25; and in line 26 strike "this act" and insert "Chapter 37, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto,".

2. On page 3, insert a comma after "birds" in lines 1 and 17 and at the end of line 9; in line 10 as amended strike "this ~~section~~ act" and insert "Chapter 37, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto,"; and in line 21 strike "will" and insert "shall".

3. On page 4, line 1, insert "dollars" after "twenty-five"; and in lines 1 and 2, strike "a sentence to" and insert "to imprisonment in".

4. In the title, line 3, strike "licensing of" and insert "permits for".

LEGISLATIVE BILL 512. Placed on Select File as amended.
E & R amendments to LB 512:

1. Add a new section to read:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. In the title, line 5, strike "and"; and in line 6 insert "; and to declare an emergency" after "section".

LEGISLATIVE BILL 488. Placed on Select File as amended.
E & R amendment to LB 488:

1. In the title, insert "to provide additional uses for dealer plates;" at the end of line 3.

LEGISLATIVE BILL 489. Placed on Select File.

LEGISLATIVE BILL 277. Placed on Select File as amended.
E & R amendments to LB 277:

1. In standing committee amendment 2, line 1, strike "grounds" and insert "ground".
2. In the title, line 5, insert "and Indian burial grounds" after "cemeteries".

LEGISLATIVE BILL 523. Placed on Select File.

LEGISLATIVE BILL 363. Placed on Select File.

LEGISLATIVE BILL 416. Placed on Select File as amended.
E & R amendment to LB 416:

1. In the title, strike lines 2 to 6 and insert:

"FOR AN ACT relating to the mentally retarded; to provide for the care, treatment, and training of certain persons and the cost thereof.".

LEGISLATIVE BILL 381. Placed on Select File as amended.
E & R amendments to LB 381:

1. On page 2, line 21, strike the comma; and in line 22 strike "said" and insert "such".
2. Add a new section to read:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

3. In the title, line 5, insert "certain" after "on"; in line 6 strike "and"; and in line 7 insert "; and to declare an emergency" after "section".

(Signed) John J. Cavanaugh, Chairman

UNANIMOUS CONSENT—Change of Order

Mr. Marvel asked unanimous consent to consider LB 452 on Select File at this time. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 452. E & R amendments found in today's Journal were adopted.

Advanced to E & R for Engrossment.

MOTION—Return LB 452 to Select File

Mr. F. Carstens moved to return LB 452 to Select File for the following specific amendment:

1. In line 31 of the Marvel amendment 18, strike "and"; in line 47, strike the period and insert "; and"; and after line 47 insert

"(g) Exclude from such operation all courts and the motor vehicles thereof.".

The motion prevailed with 26 ayes, 0 nays and 23 not voting.

SELECT FILE

LEGISLATIVE BILL 452. The F. Carstens specific amendment found in today's Journal was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Print in Journal

Mr. Carpenter asked unanimous consent to have the following amendment to LB 452 printed in the Journal. No objections. So ordered.

1. On page 7, line 9, of the committee amendment strike "include" and insert "be appointed by"; strike lines 10 to 12, and insert "subject to the approval of the Legislature."

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on March 29, 1973 at 10:10 a.m. were the following: LB 177, LB 248, LB 355, LB 395 and LB 446.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 5, 25 and 425.

(Signed) John J. Cavanaugh, Chairman

GENERAL FILE

LEGISLATIVE BILL 164. Considered.

Mr. F. Carstens offered the following amendment which was adopted:

1. In standing committee amendments, page 15, strike lines 21 to 26.

The Luedtke pending amendment found in the Journal on page 996 for the Fifty-eighth Day was adopted.

Mr. Carpenter offered the following amendments:

1. On page 31 add a new section 25 to read as follows:

"Sec. 25. No bank, bank holding company or one bank holding company, its parent company, subsidiaries, or affiliates located in any city with a population of over five thousand inhabitants shall, either directly or indirectly through any officer, agent, employee, or representative thereof, sell, write, or place any kind, type, or form of insurance except credit life and credit health and accident insurance; Provided any such financial institution lawfully engaged in such insurance activities on the effective date of this act shall be exempt from the prohibitions contained herein to the extent of those kinds, types or forms of insurance sold, written or placed on the effective date of this act.

2. On page 32, line 11, after "banking;" insert "to prohibit banks and bank holding companies from the insurance business as prescribed;".

The amendments lost with 13 ayes, 18 nays and 18 not voting.

Advanced to E & R for Review with 29 ayes, 1 nay and 19 not voting.

SPEAKER PROUD PRESIDING

LEGISLATIVE BILL 406. Considered.

The Carpenter pending amendment found in the Journal on page 962 for the Fifty-seventh Day lost.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 357. Considered.

Mr. Anderson offered the following amendments which were adopted:

1. Strike Committee amendment "by the Department of Motor Vehicles" on line 1, page 2.

2. On line 1, page 2, insert after "be,"; "furnished by the Department of Motor Vehicles and. . ."

3. On line 1, page 2, insert after "issued," "by the County Treasurer."

Advanced to E & R for Review with 29 ayes, 0 nays and 20 not voting.

LEGISLATIVE BILL 265. Considered.

Mr. Fowler offered the following amendments which were adopted:

1. On page 6, add a new section to read:

"Sec. 3. That section 48-1002, Revised Statutes Supplement, 1972, be amended to read as follows:

48-1002. As used in sections 48-1001 to 48-1009, unless the context otherwise requires:

(1) Person shall include one or more individuals, partnerships, associations, labor organizations, corporations, business trusts, legal representatives, or any organized group of persons;

(2) Employer shall mean a person having in his employ twenty-five or more individuals, and any person acting for or in the interest of an employer, directly or indirectly, but such term does not include (a) the United States ~~or~~ (b) a corporation wholly owned by the government of the United States, or (c) any person or political entity acting with respect to any peace officer or firefighter;

(3) Labor organization shall mean any organization of employees which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms, or conditions of employment, or for other mutual aid or protection in connection with employment; and

(4) Employee shall mean an individual employed by any employer."

2. On page 6, line 2 after 48-1102 insert "and 48-1002".
3. Amend the title by inserting after 48-1102 "and 48-1002".

Mr. Kelly offered the following amendment which was adopted:

Page 5, line 13, strike "30" and insert "180".

Advanced to E & R for Review with 27 ayes, 5 nays and 17 not voting.

PRESIDENT MARSH PRESIDING

LEGISLATIVE BILL 415. Title read. Considered.

Mr. Maresh offered the following amendment:

On line 17 after "farm equipment" insert "used occasionally to carry".

The amendment was adopted with 21 ayes, 6 nays and 22 not voting.

Advanced to E & R for Review with 25 ayes, 2 nays and 22 not voting.

LEGISLATIVE BILL 454. Title read. Considered.

Standing Committee amendments found in the Journal on page 688 for the Forty-third Day were adopted.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 104. Bracketed at request of Mr. Syas.

LEGISLATIVE BILL 257. Bracketed for first order of business on General File April 2, at the request of Mr. Carpenter.

MOTION–Suspend Rules

Mr. Barnett moved to suspend the rules for the introduction of fourteen new bills by the Committee on Government Military and Veteran's Affairs. The motion prevailed with 30 ayes, 1 nay and 18 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 549. By Government, Military and Veteran's Affairs Committee: Chambers, 11th District, Chairman; Barnett, 26th District; Fowler, 27th District; Duis, 39th District; DeCamp, 40th District; Stull, 49th District.

A BILL FOR AN ACT to amend section 5-108, Revised Statutes Supplement, 1972, relating to city, village, county, or school district elections; to provide for at-large elections; and to repeal the original section.

LEGISLATIVE BILL 550. By Government, Military and Veteran's Affairs Committee: Chambers, 11th District, Chairman; Barnett, 26th District; Fowler, 27th District; Duis, 39th District; DeCamp, 40th District; Stull, 49th District.

A BILL FOR AN ACT to amend sections 10-702 and 10-703.01, Revised Statutes Supplement, 1972, relating to school district bonds; to provide for special elections; to provide for statewide primary and general elections as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 551. By Government, Military and Veteran's Affairs Committee: Chambers, 11th District, Chairman; Barnett, 26th District; Fowler, 27th District; Duis, 39th District; Stull, 49th District; DeCamp, 40th District.

A BILL FOR AN ACT to amend section 11-101.01, Reissue Revised Statutes of Nebraska, 1943, relating to official bonds and oaths; to provide where oath of office of a city, village, or school district shall be filed; to provide for destroying oaths of office as prescribed; and to repeal the original section.

LEGISLATIVE BILL 552. By Government, Military and Veteran's Affairs Committee: Chambers, 11th District, Chairman; DeCamp, 40th District; Barnett, 26th District; Fowler, 27th District, Duis, 39th District; Stull, 49th District.

A BILL FOR AN ACT to amend sections 23-151, 23-204, and 23-269, Reissued Revised Statutes of Nebraska, 1943, and section 23-343.25

Revised Statutes Supplement, 1972, relating to counties; to provide for election of officers in township counties; to provide when counties under a commissioner or township organization may elect commissioners on an at-large basis; to provide that officers of a local hospital district may be elected at the time of the statewide primary on a nonpartisan basis as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 553. By Government, Military and Veteran's Affairs Committee: Chambers, 11th District, Chairman; DeCamp, 40th District; Barnett, 26th District; Fowler, 27th District; Duis, 39th District; Stull, 49th District.

A BILL FOR AN ACT to repeal section 33-137, Revised Statutes Supplement, 1972, relating to election of officers in counties having less than fifty thousand population.

LEGISLATIVE BILL 554. By Government, Military and Veteran's Affairs Committee: Chambers, 11th District, Chairman; DeCamp, 40th District; Barnett, 26th District; Fowler, 27th District; Duis, 39th District; Stull, 49th District.

A BILL FOR AN ACT to amend sections 49-204, 49-209, and 49-210, Reissue Revised Statutes of Nebraska, 1943, relating to voting on constitutional amendments; to provide duties for election commissioners; to provide for the list of voters and summary of votes cast; and to repeal the original sections.

LEGISLATIVE BILL 555. By Government, Military and Veteran's Affairs Committee: Chambers, 11th District, Chairman; DeCamp, 40th District; Barnett, 26th District; Fowler, 27th District; Duis, 39th District; Stull, 49th District.

A BILL FOR AN ACT to amend section 51-202, Revised Statutes Supplement, 1972, relating to a city or village library; to provide for election or appointment of members and their terms of office; to provide no compensation for members of the board; and to repeal the original section.

LEGISLATIVE BILL 556. By Government, Military and Veteran's Affairs Committee: Chambers, 11th District, Chairman; DeCamp, 40th District; Barnett, 26th District; Fowler, 27th District; Duis, 39th District; Stull, 49th District.

A BILL FOR AN ACT to amend section 53-122, Revised Statutes Supplement, 1972, relating to liquor; to provide that sale of liquor by drink shall be voted on in cities or villages at the time of a statewide primary or general election; to provide for checking of signatures on petitions; to provide procedure for election; and to repeal the original section.

LEGISLATIVE BILL 557. By Government, Military and Veteran's Affairs Committee: Chambers, 11th District, Chairman; Barnett, 26th District; Fowler, 27th District; Duis, 39th District; DeCamp, 40th District; Stull, 49th District.

A BILL FOR AN ACT to amend sections 79-311, 79-426.19, 79-427, and 79-516.06, Reissue Revised Statutes of Nebraska, 1943, and sections 79-428, 79-705, and 79-2620, Revised Statutes Supplement, 1972, relating to schools; to provide for registered voters; to provide duties for election commissioners; to provide for terms of members of new district boards; to provide for residency in districts of citizens; to provide for first meeting of boards; to provide for recall of members and procedure for such recall; to provide for each technical community college area board without exceptions; to provide for vacancies and filling of same of technical community college boards; and to repeal the original sections.

LEGISLATIVE BILL 558. By Government, Military and Veteran's Affairs Committee: Chambers, 11th District, Chairman; Barnett, 26th District; Fowler, 27th District; Duis, 39th District; DeCamp, 40th District; Stull, 49th District.

A BILL FOR AN ACT to amend sections 16-302.01 and 16-307, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the first class; to provide for election of officers on an at-large basis; to change residence requirements as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 559. By Government, Military and Veteran's Affairs Committee: Chambers, 11th District, Chairman; Barnett, 26th District; Fowler, 27th District; Duis, 39th District; DeCamp, 40th District; Stull, 49th District.

A BILL FOR AN ACT to amend sections 17-103, 17-104, 17-203, 17-216, 17-217, 17-304, and 17-602, Reissue Revised Statutes of Nebraska, 1943, and section 17-107, Revised Statutes Supplement, 1972, relating to cities of the second class and villages; to change qualifications of electors; to provide for filling of vacancies on the city council, mayor, and board of trustees; to provide for dissolution of villages by election; and to repeal the original sections, and also section 17-109, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 560. By Government, Military and Veteran's Affairs Committee: Chambers, 11th District, Chairman; Barnett, 26th District; Fowler, 27th Distirct; Duis, 39th District; DeCamp, 40th District; Stull, 49th District.

A BILL FOR AN ACT to amend section 18-102, Reissue Revised Statutes of Nebraska, 1943, relating to cities and villages, all; to remove qualifications of registered voter; to change poll books to list of voters book; and to repeal the original section.

LEGISLATIVE BILL 561. By Government, Military and Veteran's Affairs Committee: Chambers, 11th District, Chairman; Barnett, 26th District; Fowler, 27th District; Duis, 39th District; DeCamp, 40th District; Stull, 49th District.

A BILL FOR AN ACT to amend sections 19-3001, 19-3005, 19-3030, 19-3031, 19-3033, 19-3034, 19-3037, 19-3040, and 19-3051, Reissue Revised Statutes of Nebraska, 1943, and section 19-3011, Revised Statutes Supplement, 1972, relating to cities and villages, particular classes; to change definitions in the municipal code; to change date of notice of elections; to eliminate poll books; to change requirements for qualified voters; to eliminate certain duties for counting boards; to provide for change in the returns of election; to change duties for canvassing boards; to provide when official ballots shall be available; and to repeal the original sections, and also sections 19-642, 19-3035, 19-3036, 19-3038, and 19-3039, Revised Statutes Supplement, 1972.

LEGISLATIVE BILL 562. By Government, Military and Veteran's Affairs Committee: Chambers, 11th District, Chairman; Barnett, 26th District; Fowler, 27th District; Duis, 39th District; DeCamp, 40th District; Stull, 49th District.

A BILL FOR AN ACT to amend sections 32-212, 32-218, 32-303, 32-409, 32-424, 32-429, 32-434, 32-440, 32-450.01, 32-471, 32-475, 32-481, 32-482, 32-4,107, 32-4,110, 32-4,118, 32-528, 32-534, 32-539, 32-540, 32-549, 32-813, 32-817, 32-820, 32-1045, 32-1202, 32-1207, 32-1215, and 32-1220, Reissue Revised Statutes of Nebraska, 1943, and sections 32-102, 32-201, 32-202, 32-210, 32-211, 32-221, 32-223, 32-228, 32-229, 32-231, 32-231.01, 32-231.08, 32-231.10, 32-402.01, 32-403, 32-420.01, 32-421.01, 32-428, 32-433, 32-438.01, 32-451, 32-476, 32-477, 32-480, 32-491, 32-493, 32-496, 32-499, 32-4,101, 32-4,104, 32-4,108, 32-4,147, 32-4,151, 32-4,152, 32-503.01, 32-504, 32-512, 32-513, 32-514, 32-524, 32-525, 32-530, 32-535, 32-537, 32-542, 32-702, 32-705, 32-803, 32-803.01, 32-806, 32-810, 32-812, 32-815, 32-819, 32-1040, 32-1205, 32-1206, and 32-1214, Revised Statutes Supplement, 1972, relating to elections; to revise the election laws of Nebraska as prescribed; and to repeal the original sections, and also sections 32-479, 32-492, 32-494, 32-4,100, 32-4,106, 32-4,109, 32-811, 32-816, and 32-824, Reissue Revised Statutes of Nebraska, 1943, and sections 32-206, 32-423.01, 32-459, 32-472, 32-483, 32-497, 32-4,128, 32-4,148, 32-518, 32-533, 32-716, 32-802, 32-804, 32-805, 32-807, and 32-809, Revised Statutes Supplement, 1972.

LEGISLATIVE BILL 321A. By F. Lewis, 45th District.

A BILL FOR AN ACT to appropriate three thousand two hundred dollars from the Teachers Certification Cash Fund for the period of July 1, 1973 to June 30, 1974 to the Department of Education, Agency No. 13 for Program 614, Professional Practices Commission, to aid in carrying out the provisions of Legislative Bill 321, Eighty-third Legislature, First Session, 1973.

MOTION–LB 268

Mr. Rasmussen moved that the committee on Enrollment and Review be directed, after consultation with the Attorney General, to prepare amendments to LB 268 to reenact the provisions for automatic review by the Supreme Court in Capital cases and for execution of the sentence in Capital cases which was repealed in LB 146.

The motion prevailed with 25 ayes, 2 nays and 22 not voting.

REFERENCE COMMITTEE REPORT

LB	Committee
549	General File
550	General File
551	General File
552	General File
553	General File
554	General File
555	General File
556	General File
557	General File
558	General File
559	General File
560	General File
561	General File
562	General File

(Signed) Terry Carpenter, Chairman
Executive Board

RESOLUTION

LEGISLATIVE RESOLUTION 27.

Introduced by Maresh, 32nd District; Fowler, 27th District.

WHEREAS, the problem of solid waste disposal is a significant aspect of environmental pollution, and a major part of this problem involves the use and disposal of throwaway containers; and

WHEREAS, it is estimated that by 1980 more than 100 billion containers will be produced and discarded every year; and

WHEREAS, the states are beginning to seek ways of solving this problem by legislation; and

WHEREAS, several bills have been introduced in the Nebraska Legislature during recent years, none of which have been enacted, and there is need for more information relative to all aspects of solid waste disposal; and

WHEREAS, recycling and reuse of solid wastes, including throwaway containers, offer promising inroads on the entire problem.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That an interim study be conducted to gather data relative to the problems of solid waste disposal, such study to include:
   (a) the problem of throwaway containers;
   (b) a survey of recycling and reuse practices in the United States;
   (c) federal and state legislation relative to these matters.
2. That at the conclusion of the study a report of the findings, together with any recommendations, be made to the Legislature.

Referred to the Executive Board.

VISITORS

Speaker Proud introduced Azim Ebrahimi-Rashti, District Governor of Eghlid Bahksh; Mohammad-Hassan Faraghat, Governor of Firouzabad Shahrestan; Ebrahim Niki-Malaki, District Governor of Sirjan Shahrestan; Parviz Peyrovi, District Governor of Syahkal; Ourang Ravai, Deputy Governor and District Governor of Bushehr Province; and Department of State Escort-Interpreter, Mr. Sereidum Sanjabi.

Speaker Proud introduced a group of Lincoln Law Wives.

President Marsh introduced 10 First through Eighth Grade students and 3 adults from District No. 69, Fairbury, and their teacher, Mrs. Leta Blas.

President Marsh introduced 20 Eighth Grade students from St. Mary's School, Lincoln, and their teacher, Mrs. Frank.

President Marsh introduced 24 Fifth Grade students from Havelock School, Lincoln, and their teacher Mrs. Pearl Dale and Mrs. Wallen, sponsor.

President Marsh introduced 8 First to Fifth Grade students and 7 adults from District No. 81 School, Cass County, Lincoln, and their teacher, Mrs. Mack Stickney.

RECESS

At 11:46 a.m., on a motion by Mr. Stull, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:05 p.m., Mr. Whitney presiding.

The roll was called and all members were present except Messrs. C. Carsten, F. Carstens, R. Lewis, Snyder, Stromer, and Waldron who were excused; Mr. Fellman who was excused until 2:30 p.m.; and Mr. Schmit who was excused until he arrives.

MR. SIMPSON PRESIDING

STANDING COMMITTEE REPORTS
Labor

LEGISLATIVE BILL 481. Placed on General File as amended.
Standing Committee amendment to LB 481:

1. On page 2, line 14 after "certification" insert "pursuant to such rules as shall be prescribed by the State Boiler Inspector.".

LEGISLATIVE BILL 442. Indefinitely postponed.

(Signed) Richard Maresh, Chairman

MR. WHITNEY PRESIDING

GENERAL FILE

LEGISLATIVE BILL 36. Title read. Considered.

Mr. Clark offered the following amendments which were adopted:

1. On page 2, insert a period after "use" in line 8 and strike the rest of the sentence; and after line 14, insert "Upon receipt from any county of a payment of the appriased value of all parcels of land described in this section, or one dollar per acre, whichever is the greater, the Board of Educational Lands and Funds shall by a single instrument convey to the county title to all such parcels within the county. Such instrument shall be recorded in the office of the register of deeds.".

2. That Section 1 be amended to read as follows:

Section 1. All established ~~county~~ public roads that have been built on the section line along any side, or part of the side of a section owned by the Board of Educational Lands and Funds, and on any part of a section that has an established meandering road not on the section line, under the jurisdiction of the Board of Educational Lands and Funds, shall be dedicated to the county for public use in the case of county roads, or to the State of Nebraska, Department of Roads, for public use in the case of State Highways, and title to this parcel shall be made a part of the county records in the county courthouse as required by the laws of Nebraska. The county road right-of-way so dedicated shall be no less than thirty-three feet from the section line, nor less than sixty-six feet through that part of the section where the established road meanders through the described section.

Advanced to E & R for Review with 30 ayes, 0 nays and 19 not voting.

LEGISLATIVE BILL 258. Title read. Considered.

Advanced to E & R for Review with 32 ayes, 1 nay and 16 not voting.

SPEAKER PROUD PRESIDING

LEGISLATIVE BILL 319. Title read. Considered.

Mr. Richendifer offered the following amendment to the Standing Committee Amendment which was adopted:

After fee strike "single abstracts and forty-five per cent of the fee on lots of ten or more"

Standing Committee amendment found in the Journal on page 752 for the Forty-sixth Day was adopted as amended.

Mr. Richendifer offered the following amendment which was adopted:

Page 2, Line 11 – Strike "Individual", after abstract strike "or seven" and all of line 12.

Mr. Richendifer offered the following amendment which was adopted:

The Emergency Clause be added to LB 319.

Section 3. Since an emergency exists, this act shall be in full force and take affect, from and after its passage and approval, according to law.

Advanced to E & R for Review with 25 ayes, 3 nays and 21 not voting.

LEGISLATIVE BILL 443. Title read. Considered.

Standing Committee amendment found in the Journal on page 753 for the Forty-sixth Day was adopted.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

UNANIMOUS CONSENT–Print in Journal

Mr. Barnett asked unanimous consent to have the following amendment to LB 207 printed in the Journal. No objections. So ordered.

CHRISTAIN SCIENCE COMMITTEE ON PUBLICATION
FOR NEBRASKA
Room 805 – 134 South 13th Street Lincoln, Nebraska 68508

February 6, 1973

Amendment to LB – 207

Add to Section I as new paragraph

(4) No child who in good faith is being provided with treatment by spiritual means alone through prayer in accordance with the tenets and practice of a recognized church or religious denomination shall, for that reason alone, be deemed to be endangered under any provision of this Act.

This amendment is submitted because of the broad language used in Section I (3), page 2 of this bill.

J. Arthur Danielson
Christian Science Committee
on Publication for Nebraska

UNANIMOUS CONSENT–Member Excused

Mr. Luedtke asked unanimous consent to be excused at 3:15 p.m. for the remainder of the day. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 207. Title read. Considered.

Mr. DeCamp offered the following amendment which was adopted:

1. Identify by name and address the person making the report as referred to on page 2, line 25 of the bill, 2. strike the words "if requested by the law enforcement agency" on page 2, lines 26 and 27 and 3. insert "to make a determination as to whether an investigation should be made, and if an investigation is deemed warranted" on page 3, line 12.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

STANDING COMMITTEE REPORTS
Government, Military and Veteran's Affairs

LEGISLATIVE RESOLUTION 8. Placed on General File.

LEGISLATIVE BILL 338. Placed on General File as amended.
Standing Committee amendment to LB 338:

1. On page 2, lines 7 and 8, strike "not more than", and show the same as stricken matter.

LEGISLATIVE BILL 340. Placed on General File as amended.
Standing Committee amendments to LB 340:

1. Strike sections 1 and 2 and insert the following:

"Section 1. Permanent employees of the State of Nebraska shall be entitled to sick leave with full pay computed at the rate of eight work hours per month for each calendar month of service. Those employees who have completed five or more years of service shall be entitled to an additional eight hours sick leave for each year of service not to exceed two hundred and forty hours per calendar year. Sick leave shall be earned in accordance with the following schedule:

During 1st year of continuous employment – 96 hours per year
During 2nd year of continuous employment – 96 hours per year
During 3rd year of continuous employment – 96 hours per year
During 4th year of continuous employment – 96 hours per year
During 5th year of continuous employment – 96 hours per year
During 6th year of continuous employment – 136 hours per year
During 7th year of continuous employment – 144 hours per year
During 8th year of continuous employment – 152 hours per year
During 9th year of continuous employment – 160 hours per year
During 10th year of continuous employment – 168 hours per year
During 11th year of continuous employment – 176 hours per year
During 12th year of continuous employment – 184 hours per year
During 13th year of continuous employment – 192 hours per year
During 14th year of continuous employment – 200 hours per year
During 15th year of continuous employment – 208 hours per year
During 16th year of continuous employment – 216 hours per year
During 17th year of continuous employment – 224 hours per year
During 18th year of continuous employment – 232 hours per year
During 19th year of continuous employment and thereafter 240 hours per year.

Sec. 2. As used in this act, unless the context otherwise requires:

(1) Sick leave shall mean a period in which the employee is incapacitated for the performance of his duties by sickness or injury not arising from the course of his employment; or for medical, surgical, dental or optical examination, or treatment; or when by reason of his exposure to contagious disease, his presence at his post would jeopardize the health of others; or when illness of, or

injury to, a member of the immediate family residing in his household demands his presence;

(2) Sick leave shall be charged when the absence for any of the above reasons exceeds one working hour;

(3) Sick leave shall not be used as vacation leave;

(4) Sick leave may not be taken in advance;

(5) Sick leave shall be cumulative for not more than one thousand four hundred and forty hours;

(6) Sick leave shall be taken on a working hour basis. Holidays falling within a period of sick leave shall not be counted as work hours;

(7) Sick leave shall not accrue during leave of absence, leave without pay, suspension or lay off;

(8) Permanent part-time employees shall accrue sick leave in an amount proportionate to that which would have accrued under full-time employment;

(9) Probationary employees shall accrue sick leave at the same rate as permanent employees. Sick leave may be granted during the probationary period up to the number of days accrued by the employee. Sick leave taken by a probationary employee in excess of that accrued shall be in a non-pay status;

(10) A permanent employee of the classified service who is transferred from one agency to another shall have his accrued sick leave transferred to the agency to which he is transferred and the receiving agency shall assume responsibility for payment thereof;

(11) All sick leave shall expire on the date of separation from the classified service, and no employee shall be reimbursed for such leave outstanding at the time of termination of classified service except as provided in subdivision (13) of this section;

(12) If an absence because of illness or injury not arising from the course of employment extends beyond the sick leave accrued to the credit of a permanentt employee, such additional time shall be charged to vacation leave. If all accrued sick and vacation leave is used, the employee may be granted continued sick leave without pay;

(13) Employees may not be compensated for accrued sick leave when they are separated from state employment. However, if they leave state employment in good standing and are reemployed within a period of one year from the date of separation, sick leave accrued during the previous period of continuous employment shall be reinstated to the employee's credit. For the purpose of this section, an employee who has terminated his employment with the state for any reason other than disciplinary and who returns to state employment within one year of his termination shall have his service for sick leave entitlement computed by combining prior continuous service with current continuous service disregarding period of absence;

(14) Upon retirement under any existing state or federal retirement system, an employee shall be paid one-fourth of his unused, accumulated sick leave, with the rate of payment based upon his regular pay at the time he retires. Upon the death of an employee, his beneficiary shall be paid one-fourth of his accumulated unused sick leave, with the rate of payment based upon his regular pay at the date of his death; and

(15) The sick leave account of each employee shall be balanced as of the closing date of the last pay period of each calendar year. Hours in excess of one thousand four hundred and forty shall be lost.

Sec. 3. Up to four days of funeral leave may be granted for funerals in the immediate family. For funerals of persons not in the immediate family, up to one day funeral leave may be granted at the discretion of the appointing authority. Funeral leave shall not be charged to sick leave or vacation leave. Immediate family shall mean wife, husband, children, parents, children-in-law, grandchildren, grandparents, brothers and sisters or persons bearing the same relationship to the spouse.".

LEGISLATIVE BILL 471. Placed on General File.

(Signed) Ernest Chambers, Chairman

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 452.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT MARSH PRESIDING

GENERAL FILE

LEGISLATIVE BILL 114. Considered.

Laid over at the request of Mr. Carpenter.

LEGISLATIVE BILL 359. Bracketed at the request of Mr. Warner.

LEGISLATIVE BILL 290. Title read. Considered.

Standing Committee amendments found in the Journal on page 784 for the Forty-seventh Day were adopted.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 302, passed in the 1965 session of the Legislature, the attached is a list of all lobbyists who have registered as of March 29, 1973. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Vincent D. Brown
Clerk of the Legislature

Rall, Frank, Lincoln – Nebraskans For Convenient Consumer Banking
Ryan, James E., Lincoln – Nebraskans For Convenient Consumers' Banking

ADJOURNMENT

At 3:52 p.m., on a motion by Mr. Syas, the Legislature adjourned until 10:00 a.m., Monday, April 2, 1973.

Vincent D. Brown
Clerk of the Legislature

SIXTIETH DAY—APRIL 2, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

SIXTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 2, 1973

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Marsh presiding.

PRAYER

Prayer was offered by the Chaplain.

> Before we plunge into the duties of this day's session, O Lord our God, lift up our spirits for a moment at least, we pray, so that the pounding of our hearts may be eased somewhat by the quieting of our minds——so that our inner uncertainties may yield, however slightly, to a sense of adequacy and poise.
>
> "What we know not, teach us; what we have not, give us; what we are not, make us; for what we have been, forgive us; as now we are, receive us; toward what we should be and shall be, guide, guard and direct us." Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Anderson, Barnett and Proud who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-ninth Day was approved.

MESSAGE FROM THE GOVERNOR

March 30, 1973

Mr. Vince Brown
Clerk of the Legislature
State House
Lincoln, Nebraska

Dear Mr. Brown:

We have received Legislative Bills Nos. 177, 248, 355, 395, and 446. These bills were signed by me on March 30, 1973 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 110, 250, 281, 282, 309, 384, 412, 417, 429, 430, 441 and 457.

Correctly Enrolled

The following bill was correctly enrolled: 360.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following: LB 360.

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 403. Placed on General File as amended.
(Standing Committee amendments printed and on file in the Clerk's office.)

(Signed) Jerome Warner, Chairman

Agriculture and Environment

LEGISLATIVE BILL 538. Placed on General File as amended.
Standing Committee amendments to LB 538:

1. On page 6, line 17 strike "concentrated animal feeding operation,".

2. On page 13, strike lines 4 to 12 and insert:

"(3) In addition to the penalties provided by this section, the director whenever he has reason to believe that any person, firm, or corporation is violating any provision of sections 81-1501 to 81-1532, regulation promulgated thereunder, or any order of the director, may petition the district court for an injunction. It shall be the duty of each county attorney or the Attorney General to whom the director reports a violation to cause appropriate proceedings to be instituted without delay to assure compliance with the provisions of this act.".

(Signed) Loran Schmit, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 77. Bracketed at the request of Mr. Schmit.

LEGISLATIVE BILL 77A. Bracketed at the request of Mr. Schmit.

LEGISLATIVE BILL 206.

A BILL FOR AN ACT to amend sections 2-1572, 2-3217, 2-3227, 2-3252, and 2-3253, Reissue Revised Statutes of Nebraska, 1943, and sections 2-3254 and 33-114, Revised Statutes Supplement, 1972, relating to natural resources; to redefine terms; to provide for bonding of treasurers of natural resources districts; to provide for investments; to provide procedure for project improvement areas for natural resources districts; to provide for collection of fees and assessments for natural resources districts; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Burbach Carpenter C. Carsten F. Carstens Cavanaugh
Chambers Clark DeCamp Dickinson Duis
Epke Fellman Fowler Goodrich Hasebroock
Johnson Kelly Kennedy Keyes Kime
Kremer F. Lewis R. Lewis Luedtke Mahoney
Marsh Marvel Moylan Murphy Nore
Rasmussen Richendifer Savage Schmit Simpson
Skarda Snyder Stahmer Stromer Stull
Syas Waldron Warner Whitney Wiltse

Voting in the negative, 0.

Not voting, 4:

Anderson Barnett Maresh Proud

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 336. With Emergency.

A BILL FOR AN ACT to amend sections 43-613.01 and 43-614, Revised Statutes Supplement, 1972, relating to the care and education of handicapped children; to provide changes in the programs for which costs are paid; to provide for disbursement of funds as prescribed; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
Clark
DeCamp
Dickinson
Duis
Epke
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Nore
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 3:

Anderson
Barnett
Proud

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 336A. With Emergency.

A BILL FOR AN ACT to appropriate eighty-two thousand six hundred sixty dollars from the state General Fund for the period of July 1, 1973 to June 30, 1974 to the State Department of Education, Agency No. 13 for Program 403, School for the Trainable Retarded, to aid in carrying out the provisions of Legislative Bill 336, Eighty-third Legislature, First Session, 1973; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
Clark
DeCamp
Dickinson
Duis
Epke
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Nore
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 3:

Anderson
Barnett
Proud

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 380.

A BILL FOR AN ACT to adopt the Free Flow of Information Act; and to provide severability.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Burbach
Carpenter
C. Carsten
Cavanaugh
Chambers
Clark
DeCamp
Duis
Epke
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Keyes
Kremer
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 6:

F. Carstens	Dickinson	Kennedy	Kime	Nore
Syas				

Not voting, 4:

Anderson	Barnett	F. Lewis	Proud

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 378A. By Rasmussen, 41st District.

A BILL FOR AN ACT to appropriate fifteen thousand dollars from the state General Fund for the period of July 1, 1973 to June 30, 1974 to the Department of Agriculture Publications Revolving Fund, to aid in carrying out the provisions of Legislative Bill 378, Eighty-third Legislature, First Session, 1973.

MOTION—Introduce Bill

Mr. Luedtke moved the introduction of a new bill by the Committee on Judiciary (Request No. 856). The motion prevailed with 31 ayes, 0 nays and 18 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 563. By Judiciary Committee: Luedtke, 28th District, Chairman; Stull, 49th District; Barnett, 26th District; Chambers, 11th District; Richendifer, 16th District; Fellman, 4th District; DeCamp, 40th District; Carpenter, 48th District.

A BILL FOR AN ACT to amend sections 43-210, 43-210.01, 43-219, 43-902, 43-903, 43-904, 43-906, 43-909, 68-702.03, 68-703, 72-249, 72-710.01, 72-710.02, 72-1302, 72-1303, 72-1304, 79-4,147, 81-101, 81-102, 83-101.08, 83-108, 83-108.04, 83-112, 83-123.01, 83-134, 83-135, 83-139, 83-140, 83-144, 83-145, 83-147, 83-148, 83-149, 83-150, 83-153, 83-154, 83-155, 83-156, 83-170, 83-171, 83-172, 83-173, 83-174, 83-186, 83-1,136, 83-409, 83-428, 83-443, 83-4,100, 83-4,101, 83-4,102, and 83-4,104, Reissue Revised Statutes of Nebraska, 1943, and sections

43-901, 43-905, 43-910, 49-617, 60-1001, 68-621, 83-107.01, and 83-188, Revised Statutes Supplement, 1972, relating to the Division of Corrections; to provide for the Department of Correctional Services as prescribed; to provide an operative date; to repeal the original sections; and to declare an emergency.

ANNOUNCEMENT

Mrs. Marsh announced that after four years former Prisoner of War, Gustav Maehrer, arrives at Eppley Air Port at 6:20 p.m. tonight. He is the first Nebraska P.O.W. to return to Nebraska. His parents reside in Omaha. We welcome him home.

SELECT FILE

LEGISLATIVE BILL 431. E & R amendment found in the Journal on page 1013 for the Fifty-ninth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 182. E & R amendments found in the Journal on page 1013 for the Fifty-ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 182A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 324. E & R amendment found in the Journal on page 1013 for the Fifty-ninth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 346. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 463. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 344. E & R amendments found in the Journal on page 1013 for the Fifty-ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 356. E & R amendments found in the Journal on page 1014 for the Fifty-ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 512. E & R amendments found in the Journal on page 1014 for the Fifty-ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 488. E & R amendment found in the Journal on page 1014 for the Fifth-ninth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 489.

Mr. Kremer offered the following amendments which were adopted with 26 ayes, 0 nays and 23 not voting:

1. Insert a new section to read:

"Sec. 2. This act shall become operative on June 1, 1973.".

2. Renumber original section 2 as section 3.

3. Add a new section to read:

"Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

4. In the title, line 7, strike "and" and insert "to provide an operative date;"; and in line 8, insert "; and to declare an emergency" after "section".

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 277. E & R amendments found in the Journal on page 1015 for the Fifty-ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 523.

Mr. Marvel offered the following amendment which was adopted with 28 ayes, 0 nays and 21 not voting:

1. Add a new section to be known as section 3 and to read as follows:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 363. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 416. E & R amendment found in the Journal on page 1015 for the Fifty-ninth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 381. E & R amendments found in the Journal on page 1015 for the Fifty-ninth Day were adopted.

Advanced to E & R for Engrossment.

MOTION–Return LB 452 to Select File

Mr. Carpenter moved to return LB 452 to Select File for consideration of the specific amendment found in the Journal on page 1016 for the Fifty-ninth Day.

Motion pending.

MR. SIMPSON PRESIDING

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 68. Placed on Select File as amended.
E & R amendments to LB 68:

1. On page 1, line 11, strike "this" and insert "the"; and in line 18, strike "who".
2. On page 3, line 6, strike the first and second "or" and insert a comma and insert a comma after "attempts".
3. In standing committee amendment 1, line 2, strike "subsection" and insert "subdivision"; in line 3, strike "et seq;" and insert "and following"; and strike "et seq" and insert "and following,".
4. On page 4, line 4, strike "does" and insert "shall"; in line 11, strike "operative" and insert "effective" and insert a comma after "act"; and in line 24, strike the second comma.
5. In the last line of the Waldron amendment to page 5, strike the period and insert a semicolon.
6. On page 6, line 5, strike the period and insert a semicolon.
7. In standing committee amendment 3, line 1, strike "subsections" and insert "subdivisions"; and in line 6, strike the comma.
8. In new section 5, line 4, strike "subsection" and insert "subdivision"; and insert a comma at the end of line 5.

9. In the Carpenter amendment 3, line 1, strike "such" and insert ", which"; and in line 6, insert a comma after "act".

10. On page 7, strike the commas in line 11.

11. On page 8, line 3, strike the comma; and in lines 16 and 17, strike "shall have the power and authority to" and insert "may".

12. On page 9, line 10, strike the comma.

13. On page 10, lines 1 and 4, strike "be" and insert "is"; and strike line 27 and insert "turpitude in any court of".

14. In standing committee amendment 6, line 4, insert a comma after "trustworthiness".

15. On page 11, line 5, insert a comma after "license" and strike the comma after "may"; in line 23, strike "(1)" and insert "(a)"; and in line 26, strike the comma; and in line 27, strike "(2)" and insert "(b)".

16. In the Epke amendment, strike line 2, and insert "; Provided, that subdivision(b) of this subsection shall"; and in line 4 insert "who" after "but".

17. On page 12, line 10, insert "a" after "denial".

18. On page 13, line 2, strike "12" and insert "13".

19. In the Maresh amendment, line 2, strike "Except" and insert ", except"; and in line 3, insert a comma after "act".

20. On page 14, line 1, strike the comma; and in line 26, strike "operative" and insert "effective".

21. On page 17, line 13, strike "13" and insert "14".

22. On page 21, line 18, strike "(1)" and insert "(2)".

23. On page 22, line 4, strike "20" and insert "21".

24. On page 23, line 7, strike "21" and insert "22"; in line 11, insert a comma after "shall"; in line 17, strike the comma; and in line 20, strike the first comma.

25. On page 26, line 4, strike the comma.

26. On page 27, line 11, strike "and" and insert "or".

27. On page 28, line 11, strike "are" and insert "shall be"; in line 19, strike "so"; and in line 23, strike "must" and insert "shall".

28. On page 29, line 8, strike the comma; in line 17, strike "26" and insert "27"; and in line 27, strike "orders" and insert "order".

29. On page 30, line 2, strike the first "or" and insert a comma; insert a comma after "testified" in line 2 and "commission" in line 8; and in line 13, strike "the" and insert "such".

30. On page 32, line 2, strike the comma.

31. On page 35, line 22, strike the comma.

32. On page 37, line 18, strike "32 to 37" and insert "33 to 38"; and in line 22, strike "32 to 38" and insert "33 to 39".

33. Renumber new sections 42 and 43, found in standing committee amendment 12, as sections 41 and 42, and original section 40 as section 43.

34. On page 38, line 3, insert a comma after "Whenever"; and in line 22, insert "any natural person so convicted to be punished" after "or"; and in line 27, strike "operative" and insert "effective".

35. In the title, line 5, strike "81-887.03" and insert "81-887".

LEGISLATIVE BILL 68A. Placed on Select File as amended.
E & R amendment to LB 68A:

1. In the title, lines 2 and 3, strike "twenty-five thousand five hundred forty-four" and insert "fifty-one thousand eighty-seven"; and in line 5, strike "January 1, 1974" and insert "July 1, 1973".

LEGISLATIVE BILL 86. Placed on Select File as amended.
E & R amendments to LB 86:

1. On page 2, lines 6, 9, 13, and 25, strike the period and insert a semicolon; in line 9 strike the comma; in line 15 strike the period and insert "; and"; and in line 26 strike "or other" and insert a comma.

2. In the Carpenter amendment 1, line 2, insert a comma after "association".

3. On page 3, line 5, strike the period and insert "; or"; in line 10 strike the period and insert a semicolon; in line 12 strike the period and insert "; or"; and in line 27 insert a comma after "thereon".

4. In the last line of the Duis amendment to page 3, line 6, strike the period and insert a semicolon.

5. On page 4, strike the comma in line 11 and line 26; and in line 13, insert a comma after "residences".

6. On page 5, line 1, insert a comma after "renewed" and "cancellations"; in line 4 strike "in compliance with" and insert "under"; in line 8 strike the period and insert a semicolon; in line 17 strike "for which he shall notify" and insert "upon notification to"; in line 20 strike the period and insert "; and"; and in line 22 insert a comma after "conditions".

7. On page 6, lines 4 and 5, strike "the terms of"; and strike the comma in line 6 and the first comma in line 7.

8. On page 7, line 4, strike the comma; in line 10 insert a comma after "interpreting"; strike line 15 and insert:

"(6) Has not been convicted of any felony, or if so convicted shall"; in line 16 strike "all of"; in line 16 strike ", and" and insert "and furnish"; strike lines 20 and 21 and insert:

"Sec. 6. Until July 1, 1974, the"; in lines 23 and 25 strike "section 5 of this act" and insert "this section"; and strike the comma in line 25 and the first comma in line 26.

9. In standing committee amendment 1, line 1, insert "line 23," after the second comma.

10. In standing committee amendment 2, line 6, strike "Commission" and insert "Commission's"; and in the last line strike ", as provided by law".

11. On page 8, line 22, strike "subsection" and insert "subdivision"; in line 17 strike "down" and "a"; insert "or" at the end of line 24; and in line 26 strike "; or" and insert a period.

12. On page 9, line 4, strike the comma; in line 19 strike "act" and insert "section"; strike the comma in line 23; in lines 21 and 23 strike the semicolon and insert a comma; and in line 24 insert a comma after "fraudulent".

13. On page 10 insert a comma after "that" in line 2 and "and" in line 5; strike the comma in lines 5, 8, 11, 12, and 13; in line 18 strike "subtitle" and insert "act"; and in line 20 strike "where" and insert "when".

14. On page 11, line 1, strike "it" and insert "the commission"; in line 2 strike the comma; strike lines 3 to 5 and insert "person by deposition upon allowance of fees and mileage as in civil cases in district court. Any"; strike the comma in lines 7 and 8; in line 9 insert "or persons" after "person"; in line 10 strike "subpoenas" and insert "subpoena"; in line 16 strike "by attachment"; and in line 17 strike the comma.

15. In standing committee amendment 3, line 12, strike the second "for" and insert "of"; and in line 32 strike the comma.

16. On page 12, line 1, strike "licensed" and insert the same after "appraisers"; in line 2 strike "Where" and insert "When"; in lines 10, 17, 20, 22, and 26, strike "holder of such license" and insert "licensee"; in line 12 strike "such" and insert "the"; in line 12 strike "or" and strike line 13 and insert "by".

17. On page 13, line 4, strike "holder of such license" and insert "licensee'; strike the Carpenter amendments to lines 8 and 12; in line 9 strike "where" and insert "when"; in line 10 strike "making " and insert "the licensee has made"; in lines 10 and 11 strike ", or fixing his compensation" and insert "or"; in line 11 strike the comma; and in line 21 insert a comma after "referee".

18. On page 14, strike the sentence beginning in line 3; in lines 7 and 8 strike "as herein provided, if found guilty, shall" and insert "therefor, or who violates any provision of this act, shall be guilty of a misdemeanor and shall, upon conviction thereof,"; in line 9 strike ". He" and insert ", and"; strike the commas in lines 16, 20, 21, and 23; in line 24 strike "fees herein prescribed" and insert "renewal fee"; and in line 26 strike the comma and insert "and".

19. On page 15, strike lines 1 to 13 and insert:

"Sec. 13. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration of invalidity shall not affect the validity of the remaining portions thereof."; and in lines 14 and 15 strike "the first day of January" and insert "January 1".

20. In the title, line 5, strike "create" and insert "provide"; and in line 6 strike "real estate commission" and insert "State Real Estate Commission".

LEGISLATIVE BILL 364. Placed on Select File as amended.
E & R amendments to LB 364:

1. On page 2, line 8, insert an underscored period after "70-672"; in line 10 strike the period and show the same as stricken; in line 15 insert an underscored comma after "territory"; and in lines 21 and 22 strike "for any public power district".

2. In the R. Lewis amendment 3, line 3, insert "of the district" after "charter".

3. On page 4, line 26 strike "as the case may be" and show as stricken.

4. In the Lewis amendment 5, insert "and" at the end of line 5; and in the last line strike "a" and insert "the".

5. On page 6, line 24, strike the comma; and in line 25 strike "public power".

6. On page 7, line 2, insert an underscored comma after "municipalities"; in lines 5 and 6 strike ", and length of terms respectively" and insert "and the length of terms for which each is to be elected"; and strike the comma in line 11.

7. In the R. Lewis amendment 7, line 5, insert "after 'reside' " before the period.

8. On page 9, line 25, strike "a certified letter" and insert "certified mail".

9. In the title, strike lines 6 to 13 and insert "districts; to change provisions for election of directors and payment of the costs of elections; and to repeal".

LEGISLATIVE BILL 145. Placed on Select File.

LEGISLATIVE BILL 148. Placed on Select File.

LEGISLATIVE BILL 254. Placed on Select File as amended.
E & R amendments to LB 254:

1. In standing committee amendment 1, strike lines 1 and 2 and insert: "1. On page 7, line 18, strike 'and' and insert '~~and~~'; and after line 24, strike the period and insert '~~.~~; and'; and after line 24, insert the"; in line 6, strike the first comma and insert a comma after "rules" and "control"; and in the last line insert a period after "pollution".

2. Insert the Carpenter amendment into standing committee amendment 1, line 7, immediately after "pollution"; supply underscoring thereto; and in line 1, thereof strike "Provided" and insert "; Provided,".

3. All amendatory matter having been removed therefrom strike section 2 and renumber original sections 3 and 4 as sections 2 and 3.

4. On page 10, lines 19 and 20, strike "sections 81-1504 and 81-1528" and insert "section 81-1504"; and in line 20, strike "are" and insert "is".

5. In the title, line 2, strike "sections 81-1504 and 81-1528" and insert "section 81-1504"; strike beginning with "limit" in line 7 through "areas" in line 9 and insert "provide a restriction on rules and regulations"; and in line 10, strike "sections" and insert "section".

LEGISLATIVE BILL 405. Placed on Select File as amended.
E & R amendments to LB 405:

1. In standing committee amendment, numbered line 12, strike "through" and insert "to".

2. In the title, strike line 4 and insert "insurance; to provide for the payment".

LEGISLATIVE BILL 164. Placed on Select File as amended.
E & R amendment to LB 164:

1. On page 28, line 6, strike "and"; in line 11, strike the period and insert "; and".

(Signed) John J. Cavanaugh, Chairman

STANDING COMMITTEE REPORT
Appropriations

LEGISLATIVE BILL 259. Placed on General File as amended.

Standing Committee amendments to LB 259:

1. On page 2, line 7, strike "606,231" and insert "657,388".
2. On page 2, line 8, strike "566,675" and insert "591,498"; and strike "766,675" and insert "791,498".
3. On page 2, line 10, strike "72,795" and insert "75,833".
4. On page 2, line 12, strike "28,320" and insert "32,720".
5. On page 2, line 14, strike "45,591" and insert "48,113".
6. On page 2, line 16, strike "117,423" and insert "140,180".
7. On page 2, line 22, strike "240,098" and insert "356,165".
8. On page 3, after line 1, insert a new paragraph to read as follows: "The unexpended General Fund balances existing on June 30, 1973, for the programs mentioned in subsections (1), (2), and (9) of this section are hereby reappropriated."
9. On page 3, line 3, strike "1,581,287" and insert "1,783,294"; strike "117,423" and insert "140,180"; and strike "1,898,710" and insert "2,123,474".
10. On page 3, line 5, strike "60,620" and insert "67,177"; and strike "75,620" and insert "82,177".
11. On page 3, line 7, strike "150,888" and insert "219,526".
12. On page 3, line 10, strike "32,122" and insert "38,122".
13. On page 3, line 11, strike "2,477,758" and insert "2,640,061"; and strike "2,492,748" and insert "2,655,061".
14. On page 3, line 17, strike "2,851,209" and insert "3,094,707"; and strike "2,881,209" and insert "3,124,707".
15. On page 3, line 21, insert "20,000" in the Federal Fund column; and strike "45,000" and insert "65,000" in the Total Appropriation column.
16. On page 3, line 23, strike "419, 582" and insert "439,645"; strike "130,000" and insert "110,000"; and strike "549,582" and insert "549,645".
17. On page 4, line 2, strike "1,087,553" and insert "1,107,616"; and strike "1,217,663" and insert "1,237,616".
18. On page 4, line 23, strike "64,649" and insert "50,370".
19. On page 5, line 4, strike "64,419" and insert "83,919".
20. On page 5, line 9, strike "210,973" and insert "230,473"; strike "69,258" and insert "54,979"; and strike "280,231" and insert "285,452".
21. On page 5, line 13 strike "58,624" and insert "73,624".
22. On page 5, line 15, strike "511,290" and insert "539,290".
23. On page 6, line 2, strike "601,858" and insert "644,858"; and strike "646,649" and insert "689,649".
24. On page 6, line 5, strike "301,535" and insert "315,705".
25. On page 6, line 8, strike "338,975" and insert "353,145".
26. On page 6, line 20, strike "35,334,280" and insert "35,460,556"; and strike "35,585,008" and insert "35,711,284".
27. On page 7, after line 7, add a new sentence as follows: "The unexpended General Fund balances existing on June 30, 1973, for Program 292 are hereby reappropriated."
28. On page 7, strike lines 11 through 20 and insert the following:

	(G)	(C)	(F)	Total
"(6) Program No. 295 -- Vocational Education Aid-Manpower	35,074		1,046,296	1,081,370
(7) Program No. 296 -- Vocational Education Aid-Civil Defense			27,614	27,614"

29. On page 7, line 21, strike "(6)" and insert "(8)".

30. On page 8, line 1, strike "(7)" and insert "(9)"; strike "819,405" and insert "845,054"; and strike "875,405" and insert "901,054".

31. On page 8, line 3, strike "(7)" and insert "(9)".

32. On page 8, line 5, strike "(8)" and insert "(10)".

33. On page 8, line 6, strike "440,436" and insert "451,634"; strike "1,000"; and strike "468,436" and insert "478,634".

34. On page 8, strike lines 7, 8, and 9.

35. On page 8, line 10, strike "(9)" and insert "(11)".

36. On page 8, after line 11, insert a new subsection (12) to read as follows:

	(G)	(C)	(F)	Total
"(12) Program No. 433 -- Fire Safety and Emergency Medical Training	164,032	6,375	61,500	231,907

Cash Fund expenditures shall not be limited to the amount shown in Column (C) of subsection (12) of this section."

37. On page 8, line 12, strike "(10)" and insert "(13)".

38. On page 8, line 13, strike "497,069" and insert "796,851"; strike "19,999,358" and insert "20,254,425"; and strike "1,098,990" and insert "1,054,275".

39. On page 8, line 14, strike "226,033" and insert "450,115".

40. On page 8, line 19, strike "614"; and strike "Program 508, Subprogram 07" and insert "Program 294, Subprogram 22".

41. On page 8, after line 19, insert a new subsection (14) as follows:

	(G)	(C)	(F)	Total
"(14) Program No. 614 -- Professional Practices Commission		44,715		44,715"

42. On page 8, line 20, strike "(11)" and insert "(15)".

43. On page 8, line 24, strike "(11)" and insert "(15)".

44. On page 9, line 2, strike "43,315,910" and insert "43,977,921"; strike "1,300,464" and insert "1,305,839"; strike "30,147,484" and insert "31,282,894"; and strike "74,763,858" and insert "76,566,654".

45. On page 9, line 6, strike "753,231" and insert "783,231".

46. On page 9, line 8, strike "753,231" and insert "783,231".

47. On page 9, line 17, strike "3,339,360" and insert "3,276,481"; and strike "3,979,506" and insert "3,916,627".

48. On page 10, line 7, strike "16,458,857" and insert "16,395,978"; and strike "17,099,003" and insert "17,036,124".

49. On page 11, line 4, strike "573,320" and insert "470,249"; and strike "928,793" and insert "825,722".

50. On page 11, line 6, strike "395,910" and insert "375,910"; and strike "764,969" and insert "744,969".

51. On page 11, line 12, strike "88,579" and insert "72,889"; and strike "89,579" and insert "73,889".

52. On page 12, line 9, strike "1,260,114" and insert "1,240,114"; strike "1,453,192" and insert "1,334,431"; and strike "3,338,309" and insert "3,199,548".

53. On page 13, line 5, strike "542,719" and insert "580,219"; and strike "2,102,514" and insert "2,140,014".

54. On page 13, line 10, strike "937,435" and insert "875,935"; and strike "1,356,420" and insert "1,294,920".

55. On page 13, insert after line 13, the following new paragraphs:
"Cash Fund expenditures shall not be limited to the amounts shown in column "C" and subsections (1) to (5) of this section."
"The unexpended General Fund balance existing on June 30, 1973, for the tuberculosis program in subsection (2) of this section are hereby reappropriated."

56. On page 13, line 15, strike "1,313,804" and insert "1,351,304"; strike "3,285,678" and insert "3,224,178"; and strike "5,343,121" and insert "5,319,121".

57. On page 13, line 19, strike "423,725" and insert "264,693"; strike "79,567" and insert "68,192"; and strike "527,492" and insert "357,085".

58. On page 14, line 2, strike "423,725" and insert "264,693"; strike "79,567" and insert "68,192"; and strike "527,492" and insert "357,085".

59. On page 14, line 19, strike "35,074"; strike "8,391,042" and insert "7,345,391"; and strike "8,436,116" and insert "7,355,391".

60. On page 14, line 21, strike "185,514" and insert "273,737"; strike "52,031"; and strike "237,545" and insert "273,737".

61. On page 15, line 2, strike "220,588" and insert "273,737"; strike "8,443,073" and insert "7,345,391"; and strike "8,673,661" and insert "7,629,128".

62. On page 16, after line 3, insert the following paragraphs:
"There is included $120,000 of General Funds which shall be used only for the payment of stipends to additional psychiatric residents at Nebraska Psychiatric Institute."
"There is included $400,000 of General Funds which shall be used for outpatient treatment and for inpatient treatment, limited to seven days, for mental health, alcohol or drug abuse programs operated or contracted for by multi-county regions consisting of three or more counties with a minimum aggregate population of 75,000 and organized under the provisions of the Interlocal Cooperation Act."

63. On page 16, line 7, strike "5,820,015" and insert "6,181,795"; and strike "10,131,520" and insert "10,493,300".

64. On page 16, after line 7, insert the following paragraph:
"There is included $1,599,984 of General Funds for program 424 - Office of Mental Retardation which shall be used for no other purpose."

65. On page 16, after line 14, insert the following paragraphs:
"The agency shall make a mental health cohort study of the first one hundred consecutive admissions beginning July 1, 1973, following each admission for twelve calendar months. The completed study shall be presented to the Governor and Legislature no later than October 15, 1974.
The agency shall randomly select two hundred mentally retarded persons within its jurisdiction, including those at Beatrice State Home, Hastings Regional Center, Norfolk Regional Center, and the various community programs, to ascertain the development and progress made over a period of one year of observation and measurement. A report on the findings and conclusions shall be presented to the Governor and Legislature no later than October 15, 1974."

66. On page 16, line 16, strike "28,310,787" and insert "28,672,567"; and strike "41,074,299" and insert "41,436,079".

67. On page 16, line 22, strike "604,210" and insert "804,210"; and strike "1,068,210" and insert "1,268,210".

68. On page 16, after line 22, insert the following paragraph:
"There is included $200,000 General Funds for aid in additional categories of handicaps, catastrophic illnesses, and terminal diseases in children."

69. On page 16, line 24, strike "949,340" and insert "1,033,508"; strike "125,608" and insert "53,266"; and strike "1,082,948" and insert "1,094,774".

70. On page 17, line 7, strike "32,845,129" and insert "33,129,297"; strike "67,515,087" and insert "67,442,745"; and strike "111,029,487" and insert "111,241,313".

71. On page 18, line 2, strike "115,687" and insert "123,937"; and strike "223,627" and insert "231,877".

72. On page 18, line 4, strike "115,687" and insert "123,937"; and strike "223,627" and insert "231,877".

73. On page 18, after line 14, insert the following paragraph:
"There is included $11,655 of General Funds for participation in the Platte River Basin Level B Study."

74. On page 19, line 2, strike "350,000" and insert "250,000"; and strike "880,000" and insert "780,000".

75. On page 19, line 5, strike "350,308" and insert "322,694"; and strike "500,400" and insert "472,786".

76. On page 19, line 12, strike "1,276,049" and insert "1,176,049"; strike "880,308" and insert "852,694"; and strike "2,244,327" and insert "2,116,713".

77. On page 19, line 16, strike "454,182" and insert "484,948".

78. On page 19, line 17, strike "66,887" and insert "73,437".

79. On page 19, line 19, strike "15,000" and insert "2,000".

80. On page 20, line 5, strike "536,069" and insert "560,385"; and strike "538,069" and insert "562,385".

81. On page 20, line 9, strike "117,152" and insert "117,881".

82. On page 20, after line 10, insert the following paragraph:
"There are no funds appropriated for the hiring of regional directors or regional staff"

83. On page 20, line 12, strike "1,228,828" and insert "1,476,838"; and strike "1,528,828" and insert "1,776,838".

84. On page 20, after line 12, insert the following:
"There is included $245,740 General Funds which is intended to provide 100% funding of park maintenance requirements."

85. On page 20, line 14, strike "187,123" and insert "231,623"; and strike "225,123" and insert "269,623".

86. On page 20, after line 14, insert the following paragraph:
"There is included $44,500 of General Funds for participation in the Platte River Basin Level B Study."

87. On page 20, line 21, strike "2,185,711" and insert "2,478,221"; strike "5,054,621" and insert "5,055,350"; and strike "7,240,332" and insert "7,533,571".

88. On page 21, line 2, strike "32,791" and insert "41,474"; and strike "8,683".

89. On page 21, line 4, strike "150,635" and insert "292,969"; strike "154,654"; and strike "305,289" and insert "292,969".

90. On page 21, line 6, strike "100,749" and insert "109,842"; and strike "9,093".

91. On page 21, strike line 7.

92. On page 21, line 8, strike "(5)" and insert "(4)", strike "18,000" and insert "267,819"; strike "647,525"; and strike "665,525" and insert "267,819".

93. On page 21, line 10, strike "348,456" and insert "712,104"; strike "819,955"; and strike "1,168,411" and insert "712,104".

94. On page 22, line 6, strike "265,400" and insert "273,036".

95. On page 22, line 10, strike "270,531" and insert "278,167"; and strike "314,907" and insert "322,543".

96. On page 23, line 14, strike "155,769" and insert "174,888".

97. On page 23, line 18, strike "155,769" and insert "174,888".

98. On page 24, line 6, strike "83,150" and insert "94,157".

99. On page 24, line 10, strike "83,150" and insert "94,157".

100. On page 24, line 21, strike "1,906,835" and insert "2,049,225"; strike "206,400" and insert "106,950"; and strike "2,593,235" and insert "2,636,175".

101. On page 25, line 2, strike "198,900" and insert "99,450".

102. On page 25, line 9, strike "1,906,835" and insert "2,049,225"; strike "206,400" and insert "106,950"; and strike "2,593,235" and insert "2,636,175".

103. On page 25, line 13, strike "73,749" and insert "112,704".

104. On page 25, after line 13, insert the following new matter: "There is included $26,331 in General Funds for the development of a Management Information System of which a plan of implementation shall be provided to the Legislature no later than August 1, 1973, and an evaluation report no later than March 1, 1974.

	General	Cash	Federal	Total
(2) Program No. 047 -- Board of Trustees Improvement Fund	813,584			813,584

There is included $300,000 General Funds for student tuition waivers. Such tuition waivers shall be provided to Nebraska residents showing financial need, as determined by the Board of Trustees.

Such funds as shown in Column (G) shall not be used for the development or commencement of new academic programs.

There is included $50,000 General Funds for the State College Academic Evaluation Task Force."

105. On page 25, line 14, strike "(2)" and insert "(3)".

106. On page 25, line 17, strike "73,749" and insert "926,288"; and strike "116,051" and insert "968,590".

	(G)	(C)	(F)	Total
107. On page 25, line 19, insert	"1,925,196",	"1,067,117",	"1,360,717"	"4,353,030".

108. On page 25, strike lines 20 to 24.

109. On page 26, strike line 1.

110. On page 26, strike line 2, and insert "Auxiliary Enterprises Revolving Fund expenditures for this agency"

111. On page 26, line 5 and 6, strike "for the programs in subsections (1) to (3) of this section" and insert "for Chadron State College".

112. On page 26, line 8, strike "subsection (3) of".

113. On page 26, strike lines 10 and 11.

(G) (C) (F)
114. On page 26, line 13, insert "3,701,539", "2,337,440", "629,712"

Total
"6,668,691".

115. On page 26, strike lines 14 to 18.

116. On page 26, strike line 19.

117. On page 26, strike line 20 and insert "Auxiliary Enterprises Revolving Fund expenditures for this agency"

118. On page 26, lines 23 and 24, strike "for the programs in subsections (1) to (3) of this section" and insert "for Kearney State College".

119. On page 27, line 2, strike "subsection (3) of".

120. On page 27, strike lines 4 and 5.

(G) (C) (F) Total
121. On page 27, line 7, insert "977,319", "417,209", "151,372", "1,545,900".

122. On page 27, strike lines 8 to 12.

123. On page 27, strike line 13.

124. On page 27, strike line 14 and insert "Auxiliary Enterprises Revolving Fund expenditures for this agency"

125. On page 27, line 17 and 18, strike "for the programs in subsections (1) to (3) of this section" and insert "for Peru State College".

126. On page 27, line 20, strike "subsection (3) of".

127. On page 27, strike lines 22 and 23.

(G) (C) (F) Total
128. On page 28, line 2, insert "1,853,376","1,131,874", "307,750", "3,293,000".

129. On page 28, strike lines 3 to 7.

130. On page 28, strike line 8.

131. On page 28, strike line 9 and insert "Auxiliary Enterprises Revolving Fund expenditures for this agency"

132. On page 28, lines 12 and 13, strike "for the programs in subsections (1) to (3) of this section" and insert "for Wayne State College".

133. On page 28, line 15, strike "subsection (3) of".

134. On page 28, strike lines 17 and 18.

135. On page 28, after line 18, insert a new paragraph to read as follows: "Total funds appropriated to the Nebraska State Colleges, sections 45 to 48 are appropriated at the agency level to accommodate a one-time organizational restructuring, of which a full report of expenditures, by campus, according to the following programmatic functions: (a) Administration, (b) Instruction and (c) Institutional Support, shall be provided to the Governor and the Legislature."

136. On page 28, line 20, after word "Campus" insert "and Outstate Activities"

137. On page 28, line 22, strike "14,791,728" and insert "15,776,239"; and strike "27,359,891" and insert "28,344,402".

138. On page 28, after line 22, insert new paragraphs to read as follows: "There is included $100,000 General Funds for student tuition waivers. Such tuition waivers shall be provided to Nebraska residents showing

financial need, as determined by the Board of Regents.
There is included $32,500 General Funds for extraordinary salary adjustments for the current dental faculty.
There is included $25,000 General Funds for extraordinary salary adjustments for the current law faculty.
There is included $25,000 General Funds for participation in the Platte River Basin Level B study.
There is included $25,000 General Funds for a scope and needs study on teacher education in the State of Nebraska. Such study is to be conducted by the Teachers College.
There is included $100,000 General Funds for the one-time purchase of movable laboratory equipment in the natural and biological sciences.
There is included $452,732 General Funds to be used for the upgrading and improvement of current undergraduate and graduate programs, but no part thereof shall be expended unless a minimum of seven Ph. D degree programs and three Masters degree programs are eliminated. The degree programs to be eliminated shall be determined by the Board of Regents based upon: low enrollments or high cost or determination that such degree programs have low educational, social and cultural meaning to the State of Nebraska or other criteria, standard or measurement deemed appropriate by the Board of Regents. To this end, the Board of Regents shall certify to the Auditor of Public Accounts by January 1, 1974, that new admissions have been discontinued in seven Ph. D degree programs and three Masters degree programs and that a plan of redirecting resources from the eliminated degree programs to the upgrading of continuing degree programs is established. For the purposes of this act, elimination shall not mean consolidation, but termination. The Auditor of Public Accounts shall certify to the Director of Administrative Services that requirements of this provision have been accomplished.
The unexpended General Fund balances existing on June 30, 1973, in Program No. 711 -- (Library) are hereby reappropriated in an amount not to exceed $155,000 which sum is intended for payment of obligations incurred prior to June 30, 1973, and which funds are in addition to the appropriation shown in Column (G) of this section."

139. On page 29, line 1, strike "881,486" and insert "896,676"; and strike "906,486" and insert "921,676".

140. On page 29, line 5, strike "4,544,099" and insert "4,508,539"; and strike "4,828,999" and insert "4,793,439".

141. On page 29, after line 5, insert new paragraphs to read as follows:
"There is included $31,367 General Funds for the transfer of 4.0 FTE Security Guards from the Auxiliary Enterprises account.
There is included $350,000 General Funds for special maintenance and repairs, which sum shall not be expended for any other purpose."

142. On page 29, line 9, strike "2,189,354" and insert "2,107,704"; strike "198,000" and insert "308,000"; and strike "2,387,354" and insert "2,415,704".

143. On page 29, after line 11, insert the following:

	(G)	(C)	(F)	Total
"(5) Program No. 715 -- Agricultural Experiment Stations, Agricultural				

Extension, and Curtis School	7,995,710	133,000	2,437,349	10,566,059

Revolving Fund expenditures for this program are estimated at $2,104,130.
Included in the appropriation is $9,500 for an agricultural technician at the North Platte Veterinarian Science facility."

144. On page 29, line 12, strike "(5)" and insert "(6)".

145. On page 29, line 14, strike "(6)" and insert "(7)".

146. On page 29, strike lines 16 through 21.

147. On page 30, line 2, strike "22,679,631" and insert "31,284,868"; strike "12,358,828" and insert "12,601,828"; strike "11,217,235" and insert "13,654,584"; and strike "46,255,694" and insert "57,541,280".

148. On page 30, line 6, strike "3,664,228" and insert "4,116,691"; strike "6,056,829" and insert "6,116,829"; and strike "9,721,057" and insert "10,233,520".

149. On page 30, after line 6, insert new paragraphs to read as follows:
"There is included $15,000 General Funds for the development of a new five year academic plan.
There is included $75,000 General Funds for Library Improvement.
There is included $75,000 General Funds for purchase of movable laboratory equipment.
There is included $222,132 General Funds for salary adjustments, workload improvement and quality upgrading of current academic programs.
The unexpended General Fund balances existing on June 30, 1973, in Program No. 791 -- (Library) are hereby reappropriated in an amount not to exceed $70,000 which sum is intended for payment of obligations incurred prior to June 30, 1973, and which funds are in addition to the appropriation shown in Column (G) of this section.
It is hereby declared that academic professionals at the University of Nebraska - Omaha shall be paid a salary equal to the academic professionals at the University of Nebraska - Lincoln. Salary levels shall be determined by the following criteria: equal salary for like degree, like tenure, like faculty rank; by like teaching discipline and teaching level. Any salary discrepancy on the Omaha campus, as compared to the Lincoln campus, using the above formula shall be rectified within this appropriation."

150. On page 30, line 9, strike "449,022" and insert "452,904"; and strike "637,116" and insert "640,998".

151. On page 30, line 13, strike "1,394,398" and insert "1,345,183"; and strike "1,504,398" and insert "1,455,183".

152. On page 30, Line 15, strike "1,150,954" and insert "1,117,171"; and strike "1,401,179" and insert "1,367,396".

153. On page 30, strike lines 22 and 23.

154. On page 31, strike lines 1 through 4.

155. On page 31, line 6, strike "(7)" and insert "(6)".

156. On page 31, line 9, strike "6,770,305" and insert "7,031,949"; strike "6,605,148" and insert "6,665,148"; and strike "13,850,453" and insert "14,172,097".

157. On page 31, line 13, strike "7,380,432" and insert "7,849,440"; strike "10,966,680" and insert "10,858,522"; and strike "19,550,262" and insert "19,911,112".

158. On page 31, after line 15, insert a new paragraph to read as follows: "There is provided $193,206 for Meyer Children Rehabilitation Institute workload improvement."

159. On page 31, line 17, strike "800,000" and insert "605,548".

160. On page 31, line 18, strike "423" and insert "587".

161. On page 31, line 22, strike "2,024,533" and insert "2,025,275"; insert "48,580" in the cash column; and strike "2,024,533" and insert "2,073,775".

162. On page 31, line 24, strike "666,577" and insert "666,495"; strike "357,635" and insert "473,635"; and strike "1,024,212" and insert "1,140,130".

163. On page 32, strike lines 7 through 12.

164. On page 32, line 14, strike "(7)" and insert "(6)".

165. On page 32, line 17, strike "10,177,199" and insert "10,541,797"; strike "11,324,315" and insert "11,380,657"; and strike "27,204,664" and insert "27,625,604".

166. On page 32, line 21, strike "and Computer Services "; strike "2,978,739" and insert "852,354"; strike "184,351"; and strike "3,163,090" and insert "852,354".

167. On page 32, after line 21, insert the following:

"There is included $40,000 General Funds for the development of a Management Information System of which a plan of implementation shall be provided to the Legislature no later than August 1, 1973, and an evaluation report no later than March 1, 1974.

There is included $5,000 General Funds for reviewing and reporting to the Legislature on (1) means of strengthening graduate programs, (2) review curricula, (3) evaluate academic organizational structure.

	(G)	(C)	(F)	Total
(2) Program 782 -- Computer Services	2,283,226	264,351		2,547,577"

168. On page 33, strike lines 1 through 2.

169. On page 33, line 8, strike "15,685,856" and insert "15,654,489".

170. On page 33, line 17, strike "3,417,605" and insert "3,135,580"; strike "184,351" and insert "264,351"; and strike "3,726,956" and insert "3,524,931".

171. On page 33, strike lines 18 through 23.

172. On page 34, strike lines 1 through 8.

173. On page 35, line 18, strike "79,297" and insert "89,297"; and strike "94,297" and insert "104,297".

174. On page 36, line 3, strike "545,002" and insert "555,002"; and strike "683,631" and insert "693,631".

175. On page 36, line 9, strike "101,660" and insert "251,660"; and strike "271,660" and insert "421,660".

176. On page 36, line 11, strike "699,490" and insert "569,999"; and strike "829,490" and insert "699,999".

177. On page 36, after line 11, insert the following paragraph: "There is included $35,000 of General Funds for participation in the Platte River Basin Level B Study."

178. On page 36, line 18, strike "897,259" and insert "917,768"; and strike "1,197,259" and insert "1,217,768".

179. On page 36, line 22, strike "108,516" and insert "114,766"; and strike "113,516" and insert "119,766".

180. On page 37, line 2, strike "108,516" and insert "114,766"; and strike "113,516" and insert "119,766".

181. On page 38, line 6, strike "32,411" and insert "37,428".

182. On page 38, line 12, strike "32,411" and insert "37,428".

183. On page 38, line 15, strike "2,686,397" and insert "2,646,427".

184. On page 38, line 17, strike "741,698" and insert "734,698"; and strike "1,075,735" and insert "1,068,735".

185. On page 38, line 20, strike "3,208,232" and insert "3,163,305"; and strike "3,350,692" and insert "3,305,763".

186. On page 38, line 22, strike "(3)" and insert "(2)".

187. On page 39, line 2, strike "6,670,903" and insert "6,579,006"; and strike "7,147,400" and insert "7,055,503".

188. On page 39, line 22, strike "291,415" and insert "309,415"; and strike "784,505" and insert "802,505".

189. On page 39, after line 22, insert the following paragraphs:
"There is included $3,000 of General Funds for participation
in the Platte River Basin Level B Study."
"There is included $35,000 of General Funds and $15,000 of Federal
Funds for the Missouri Riverfront Development Project."

190. On page 40, line 9, strike "1,741,497" and insert "1,759,497"; and strike "4,783,609" and insert "4,801,609".

191. On page 40, line 13, strike "5,058" and insert "7,028".

192. On page 40, line 17, strike "5,058" and insert "7,028".

193. On page 40, line 21, strike "106,391" and insert "110,883".

194. On page 40, line 23, strike "106,391" and insert "110,883".

195. On page 41, line 4, strike "30,370" and insert "48,910".

196. On page 41, line 6, strike "30,370" and insert "48,910".

197. On page 41, line 10, strike "35,464" and insert "60,464"; and strike "293,924" and insert "318,924".

198. On page 41, line 12, strike "35,464" and insert "60,464"; and strike "293,924" and insert "318,924".

199. On page 42, line 10, strike "898,403" and insert "644,122"; and strike "1,163,539" and insert "909,258".

200. On page 42, strike lines 11 to 15.

201. On page 42, line 23, strike "1,205,827" and insert "951,546"; and strike "1,535,963" and insert "1,281,682".

202. On page 43, line 17, strike "1,525" and insert "1,930".

203. On page 43, line 21, strike "1,525" and insert "1,930".

204. On page 44, line 16, strike "400,000" and insert "114,045"; and strike "554,016" and insert "268,061".

205. On page 44, after line 16, insert the following paragraph:
"There is included $100,000 General Funds to be used for
programs in drug prevention, treatment, and rehabilitation; Provided,
that expenditures can only be made if a Nebraska drug plan is
developed and has received federal approval."

206. On page 44, line 18, strike "400,000" and insert "114,045"; and strike "554,016" and insert "268,061".

207. On page 48, line 1, strike "376,359" and insert "357,393"; and strike "575,642" and insert "556,676".

208. On page 48, line 3, strike "1,850,000" and insert "740,000".

209. On page 48, line 9, strike "2,236,767" and insert "1,107,801"; and strike "2,436,050" and insert "1,307,084".

210. On page 48, line 13, strike "2,570,017" and insert "2,716,484"; strike "176,163" and insert "182,525"; and strike "2,746,180" and insert "2,899,009".

211. On page 48, line 17, strike "2,570,017" and insert "2,716,484"; strike "176,163" and insert "182,525"; and strike "2,746,180" and insert "2,899,009".

212. On page 53, line 9, strike "Fire Prevention Cash Fund" and insert "Emergency Fire Fighting Fund, State Fire Marshal Cash Fund, Electrical Division Cash Fund"

213. On page 53, line 10, insert before "Pipeline", the words "Natural Gas"

214. On page 55, line 14, strike the word "Commission" following "Gas"

215. On page 56, line 23, strike "." and insert "; and".

216. On page 56, insert after line 23, "(49) Advisory Committee on Aging: Aging Cash Fund".

217. On page 61, line 16, insert before "and", the following: "Personal Property Tax Relief Fund,"

218. On page 62, after line 21, insert a new Sec. 93 to read as follows:
"Sec. 93. It is the intent of the Legislature that the State of Nebraska follow the provisions outlined in sections 81-1301 to 81-1319, Reissue Revised Statutes of Nebraska, 1943, and provide for a merit system of personnel administration.
The Legislature adopts the wage and salary schedule and position classification contained in the State of Nebraska Classification and Pay Plan prepared by the Department of Personnel dated June 1, 1972, and revised December 31, 1972. The State Personnel Board shall approve changes in position classifications as it deems necessary. The Department of Personnel shall deposit one copy of such plan and amendments in the office of the Clerk of the Legislature and one copy in the office of the Secretary of State. Further amendments to such plan shall become effective until or unless specifically disapproved by the Legislature.
The State Personnel Board shall work closely with the Joint Merit System Council in developing and promulgating a comprehensive set of personnel rules and regulations in order to provide for a merger of the Department of Personnel and the Joint Merit System as contained in section 81-8,106, Reissue Revised Statutes of Nebraska, 1943, and to provide for a merit system of personnel administration."

219. On page 66, after line 24, insert "Commission on Mexican-Americans 66".

220. On pages 66 to 69 in renumbered Section 94, each place Sections 54 to 78 appear, renumber to read Sections 53 to 77 respectively.

221. On pages 66 to 69 in renumbered Section 94, each place Sections 80 to 97 appear, renumber to read Sections 78 to 95 respectively.

222. On page 67, line 2, strike "95".

223. On page 67, line 10, strike "95".

224. On page 68, line 26, insert after Lincoln "and Outstate Activities".

225. On page 69, strike lines 3 and 4.

226. On page 69, strike lines 7 and 8.

227. On page 69, line 20, strike "Legislative Intent 95" and insert "Pay Plan 93".

228. Renumber Sections 54 to 78 as Sections 53 to 77 respectively.

229. Strike Section 79.

230. Renumber Sections 80 to 94 as Sections 78 to 92 respectively.

231. Strike Section 95.
232. Renumber Sections 96 and 97 as Sections 94 and 95 respectively.

(Signed) Richard D. Marvel, Chairman

Revenue

LEGISLATIVE BILL 529. Placed on General File as amended.
Standing Committee amendments to LB 529:

1. On page 6, line 6 after the word "property," insert "; Provided, that the tangible personal property taken in trade"; and on line 7 strike the word "that".
2. On page 8, strike lines 13 and 14 and show as stricken matter.
3. On page 13, line 14 strike the word "camp" and show as stricken matter and insert "campground".
4. On page 15, line 15 strike the word "camp" and show as stricken matter and insert "campground".
5. On page 17, line 13 after the word "property," insert "; Provided, that the tangible personal property taken in trade", and on line 14 strike the word "that".
6. On page 18, line 1 strike the first "or" and show as stricken matter and insert "and"; and on line 25 strike the word "or" and show as stricken matter and insert "and".
7. On page 33, line 15 after the word "hospital" insert "or home for aged or infirm persons".
8. On page 34, line 24 reinstate the previously stricken matter.
9. On page 35, line 20 after "(q)" strike rest of line; strike lines 21 and 22, and show as stricken matter; on line 23 strike the word "property" and insert "purchases".

(Signed) J. W. Burbach, Chairman

NOTICE OF COMMITTEE HEARING
Rules

The Rules Committee will hold an Executive Session on Tuesday, April 3, 1973 at 1:30 p.m., in Legislative Council Room 2102.

(Signed) Herbert J. Duis, Chairman

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 110A. By F. Carstens, 30th District.

A BILL FOR AN ACT to appropriate thirteen thousand three hundred seventy-three dollars from the state General Fund for the period of July 1, 1973 to June 30, 1974 to the Supreme Court, Agency No. 05 for Program 391, to aid in carrying out the provisions of Legislative Bill 110, Eighty-third Legislature, First Session, 1973.

REFERENCE COMMITTEE REPORT

LB	Committee
563	Judiciary

(Signed) Terry Carpenter, Chairman
Executive Board

RECESS

At 11:58 a.m., on a motion by Mr. Syas, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:02 p.m., Mr. Whitney presiding.

The roll was called and all members were present except Messrs. Anderson, Barnett, Kime and Proud who were excused; and the members of the Public Health and Welfare Committee who were excused for a short time.

UNANIMOUS CONSENT—Members Excused

Mr. F. Carstens asked unanimous consent to be excused at 3:00 p.m. tomorrow. No objections. So ordered.

Mr. Waldron asked unanimous consent to be excused for the remainder of the week. No objections. So ordered.

MOTION—Return LB 452 to Select File

Mr. Carpenter renewed his pending motion found in today's Journal to return LB 452 to Select File for the specific amendment found in the Journal on page 1016 for the Fifty-ninth Day.

Mr. Murphy moved to cease debate. The question is, "Shall the debate now cease?" The motion lost with 19 ayes, 7 nays and 23 not voting.

Mr. Carpenter requested a roll call vote on his motion.

Voting in the affirmative, 22:

Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
DeCamp
Dickinson
Fellman
Fowler
Hasebroock
Kelly
Kennedy
Keyes
F. Lewis
Mahoney
Maresh
Moylan
Richendifer
Skarda
Syas
Waldron
Whitney

Voting in the negative, 23:

Chambers
Clark
Duis
Epke
Goodrich
Johnson
Kremer
R. Lewis
Luedtke
Marsh
Marvel
Murphy
Nore
Rasmussen
Savage
Schmit
Simpson
Snyder
Stahmer
Stromer
Stull
Warner
Wiltse

Not voting, 4:

Anderson
Barnett
Kime
Proud

The motion lost with 22 ayes, 23 nays and 4 not voting.

STANDING COMMITTEE REPORT
Government, Military and Veteran's Affairs

LEGISLATIVE BILL 233. Indefinitely postponed.

(Signed) Ernest Chambers, Chairman

MR. SIMPSON PRESIDING

MOTION—Return LB 110 to Select File

Mr. Waldron moved that LB 110 be returned to Select File for the following specific amendments:

1. On page 10 after line 2 insert a new section to read as follows:

"Sec. 12. Any judicial nominating commission which has for its consideration three or more candidates for a judicial vacancy shall nominate at least three candidates for consideration by the Governor if the commission, in its discretion, finds them to be sufficiently qualified."

2. Renumber the repeal section as section 13.

The motion prevailed with 28 ayes, 0 nays and 21 not voting.

MOTION—Return LB 280 to Select File

Mr. Marvel moved to return LB 280 to Select File for the following specific amendments:

1. In renumbered section 1 of E and R amendment line 7 strike "~~annual~~".

2. In renumbered section 4 of E and R amendment line 7 strike "in December" and insert "the first Tuesday of January"; in line 8 strike "even-numbered" and insert "odd-numbered"; and in lines 8 and 9 strike "the first Tuesday of January of the following year" and insert "on such date".

The motion prevailed with 25 ayes, 0 nays and 24 not voting.

SELECT FILE

LEGISLATIVE BILL 110. The Waldron specific amendments found in today's Journal were adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Re-engrossment.

LEGISLATIVE BILL 280. The Marvel specific amendments found in today's Journal were adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Engrossment.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 280A. By Marvel, 33rd District.

A BILL FOR AN ACT to appropriate forty-six thousand six hundred thirty-six dollars from the state General Fund for the period of July 1, 1973 to June 30, 1974 to the Auditor of Public Accounts, Agency No. 10 for Program 506, to aid in carrying out the provisions of Legislative Bill 280, Eighty-third Legislature, First Session, 1973.

MOTION—Suspend Rules

Mr. Syas moved to suspend the rules to introduce two new bills by the Committee on Constitutitional Revision and Recreation (Request No.'s 882 and 883).

Mr. Syas moved for a Call of the House. The motion prevailed with 18 ayes, 2 nays and 29 not voting.

Mr. Syas moved the Call be raised. The motion prevailed with 26 ayes, 0 nays and 24 not voting.

The Syas motion prevailed with 31 ayes, 0 nays and 18 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 564. By Constitutional Revision and Recreation Committee: Syas, 13th District, Chairman; Snyder, 14th District; Keyes, 3rd District; Kelly, 35th District; Burbach, 19th District; F. Carstens, 30th District.

A BILL FOR AN ACT relating to the Game and Parks Commission; to provide that the Attorney General, a member of his staff or a practicing attorney shall defend all civil and criminal actions instituted against the secretary, director, or any subordinate officer or employee of the Game and Parks Commission as prescribed.

LEGISLATIVE BILL 565. By Constitutional Revision and Recreation Committee: Syas, 13th District, Chairman; Snyder, 14th District; Keyes, 3rd District; Kelly, 35th District, F. Carstens, 30th District.

A BILL FOR AN ACT relating to natural streams; to authorize the people of the state to have access by boat to any cutoff, chute, backwater, or bayou connected with any natural stream in Nebraska as prescribed.

STANDING COMMITTEE REPORTS
Miscellaneous Subjects

LEGISLATIVE BILL 134. Placed on General File as amended.
(Standing Committee amendments printed and on file in the Clerk's office.)

(Signed) J. James Waldron, Chairman

MOTION–Place LB 48 on General File

Mr. Stahmer renewed his pending motion found in the Journal on page 924 for the Fifty-fifth Day to place LB 48 on General File notwithstanding the Committee action.

Mr. Stahmer moved for a Call of the House. The motion prevailed 21 ayes, 4 nays and 24 not voting.

The Call showed 38 members present.

Mr. Mahoney moved the Call be raised. The motion prevailed with 28 ayes, 0 nays and 21 not voting.

The Stahmer motion prevailed with 25 ayes, 5 nays and 19 not voting.

MOTION—Place LB 432 on General File

Mr. Whitney renewed his pending motion found in the Journal on page 939 for the Fifty-sixth Day to place LB 432 on General File notwithstanding the Committee action.

PRESIDENT MARSH PRESIDING

The Whitney motion prevailed with 33 ayes, 5 nays and 11 not voting.

GENERAL FILE

LEGISLATIVE BILL 257. Title read. Considered.

Laid over.

LEGISLATIVE BILL 193. Considered.

Mr. Kelly moved to indefinitely postpone. Motion pending.

Laid over.

LEGISLATIVE BILL 342. Laid over.

UNANIMOUS CONSENT—Change of Hearing Room

Mr. Kennedy asked unanimous consent for the Public Health and Welfare Committee to hold the public hearing on LB 539 in the East Chamber tomorrow, April 3, instead of in Room 1009. No objections. So ordered.

REFERENCE COMMITTEE REPORT

LB	Committee
564	Constitutional Revision and Recreation
565	Constitutional Revision and Recreation

(Signed) Terry Carpenter, Chairman
Executive Board

NOTICE OF COMMITTEE HEARINGS
Constitutional Revision and Recreation

LB 564	Thursday, April 12, 1973	12:45 p.m.
LB 565	Thursday, April 12, 1973	12:45 p.m.

(Signed) George Syas, Chairman

Judiciary

LB 563	Tuesday, April 10, 1973	1:00 p.m.

(Signed) Roland Luedtke, Chairman

UNANIMOUS CONSENT–Member Excused

Mr. Moylan asked unanimous consent to be excused Tuesday afternoon, April 3, and Wednesday morning, April 4. No objections. So ordered.

VISITORS

President Marsh introduced 42 foreign delegates, U. S. department representatives and Kearney State College Committee for the World Affairs Conference at Kearney State College with Mr. James E. Smith, Director.

ADJOURNMENT

At 3:50 p.m., on a motion by Mr. Fellman, the Legislature adjourned until 9:00 a.m., Tuesday, April 3, 1973.

Vincent D. Brown
Clerk of the Legislature

SIXTY-FIRST DAY—APRIL 3, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

SIXTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 3, 1973

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mr. Whitney presiding.

PRAYER

The prayer was offered by the Chaplain.

> Take resentment out of our thoughts and actions today, O Lord our God, even though things may occur which annoy or hurt us . . . even though we may feel ourselves being misjudged or overlooked or underestimated.
>
> Too often our speech and actions come as the release of pent-up emotions which burst out uncontrolled—and how can we be right in our actions when we are not right in our attitudes? Prove to us the foolishness of resentment, and the wisdom of forgiveness. Help us to understand that if we can be proud of our innermost motives and attitudes, we will have no reason to be ashamed of the record of this Legislature. Amen.

ROLL CALL

The roll was called and all member were present except Messrs. Anderson, Proud and Waldron who were excused; Mr. Chambers who was absent until 9:30 a.m.

PRESIDENT MARSH PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixtieth Day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on April 3, 1973 at 8:55 a.m. was the following: LB 360.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 206, 336, 336A and 380.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following: LB 206, LB 336, LB 336A and LB 380.

STANDING COMMITTEE REPORTS
Miscellaneous Subjects

LEGISLATIVE BILL 212. Placed on General File as amended.
Standing Committee amendments to LB 212:

1. Strike sections 1 to 10, and insert the following:

"Section 1. For purposes of this act, unless the context otherwise requires:

(1) Home solicitation sale shall mean a sale, lease, or rental of consumer goods or services with a purchase price of twenty-five dollars or more, whether under a single or multiple contract, in which the seller or his representative personally solicits the sale, including those in response to or following the invitation by the buyer, and the buyer's agreement or offer to purchase is made at a place other than the place of business of the seller. The term home solicitation sale does not include a transaction:

(a) Made pursuant to prior negotiations in the course of a visit by the buyer to a retail business establishment having a fixed permanent location where the goods are exhibited or the services are offered for sale on a continuing basis;

(b) In which the consumer is accorded the right to rescission by the provisions of the Consumer Credit Protection Act (15 U. S. C. 1635) or regulations issued pursuant thereto;

(c) In which the buyer has initiated the contact and the goods or services are needed to meet a bona fide immediate personal emergency of the buyer, and the buyer furnishes the seller with a separate dated and signed personal statement in the buyer's handwriting describing the situation requiring immediate remedy and expressly acknowledging and waiving the right to cancel the sale within three business days;

(d) Conducted and consummated entirely by mail or telephone; and without any other contact between the buyer and the seller or its representative prior to delivery of the goods or performance of the services;

(e) In which the buyer has initiated the contact and specifically requested the seller to visit his home for the purpose of repairing or performing maintenance upon the buyer's personal property. If in the course of such a visit, the seller sells the buyer the right to receive additional services or goods other than replacement parts necessarily used in performing the maintenance or in making the repairs, the sale of those additional goods or services would not fall within this exclusion; or

(f) Pertaining to the sale of securities or commodities by a broker-dealer registered with the Securities and Exchange Commission;

(2) Buyer shall mean both actual and prospective purchasers or lessees of any goods or services offered through home solicitation selling;

(3) Seller shall mean a person or organization who advertises, offers, or deal in goods or services for the purpose of home solicitation selling or provides or exercises supervision, direction or control over sales practices used in the home solicitation sale, but shall not include banks, savings and loan associations, insurance companies, public utilities, licensed motor vehicle dealers, licensed real estate borkers or salesmen with respect to real estate listings or the sale or leasing of real estate, but the term shall include a supplier or distributor if:

(a) The seller is a subsidiary or affiliate of the supplier or distributor;

(b) The seller interchanges personnel or maintains common or overlapping officers or directors with the supplier or distributor; or

(c) The supplier or distributor provides or exercises supervision, direction or control over the selling practices of the seller.

Sec. 2. In a home solicitation sale the seller shall, at the outset, clearly and expressly disclose the seller's individual name, the name of the business firm or organization he represents, and the identity of the goods or services he offers to sell.

Sec. 3. (1) In addition to any right otherwise to revoke an offer, to rescind the transaction or to exercise any remedy for the seller's breach, a buyer may cancel a home solicitation sale until midnight of the third business day after the seller has given notice to the buyer in accordance with section 4 of this act.

(2) Notice of cancellation shall be by mail addressed to the seller and shall be considered given at the time mailed.

(3) Notice of cancellation by the buyer need not take a particular form and is sufficient if it indicates by any form of written expression the intention of the buyer not to be bound by such home solicitation sale.

Sec. 4. (1) Whenever a buyer has the right to cancel a home solicitation sale, the seller's contract shall contain a notice to be printed in capital and lowercase letters of not less than ten point boldface type and appear under the conspicuous caption: BUYER'S RIGHT TO CANCEL; which shall read as follows: You may cancel this agreement or purchase by either mailing a written notice to the seller postmarked not later than the third business day after the date you signed this agreement or purchased the goods or services, or by delivering such written notice to the seller, by 5 p.m. of the third business day after you signed this agreement or purchased the goods or services. If you wish, you may use this page as that notice by writing "I hereby cancel" and adding your name and address.

(2) A home solicitation sales contract which contains the "Notice of Cancellation" form and content provided in the Federal Trade Commission's trade regulation rule providing a cooling-off period shall be deemed as complying with the requirements of subsection (1) of this section, so long as the Federal Trade Commission language provides at least equal information to the consumer conerning his right to cancel as is required by this act.

(3) A seller who in the ordinary course of business regularly uses a language other than English in any advertising or other solicitation of customers or in any printed forms for use by buyers or in any face-to-face negotiations with buyers, shall give the notice described in this section to a buyer whose principal language is such other language, both in English and in the other language.

(4) The notice required under this section shall be delivered either after all the credit cost disclosures have been made to the buyer as required by the federal Consumer Credit Protection Act and the buyer has signed the writing evidencing the transaction, or contemporaneously therewith, but not before.

(5) Until the seller has complied with this section the buyer may cancel the home solicitation sale by notifying the seller in any manner and by any means of his intention to cancel. The three business day period prescribed by this act shall begin to run from the time the seller complies with this section.

(6) The notice provisions under this section shall not be required in a transaction involving an order for goods to be delivered at one time if: (a) The order is evidenced only by a sales ticket or invoice, a copy of which must be provided to the buyer, which clearly and unmistakably sets forth on the face or reverse side of the sales ticket or invoice the buyer's right to cancel the order, refuse delivery or return the goods without obligation or charge; (b) the goods are not delivered within three business days of the date of the order; and (c) the buyer may refuse to accept the goods when they are delivered without incurring any obligation to pay for them or the expenses associated with the transaction, including mailing or shipping charges, or the buyer may upon inspecting the goods after delivery, return them within three business days to the seller and receive a full refund for any amounts the buyer has paid including mailing and shipping charges.

Sec. 5. (1) Within ten days after a home solicitation sale has been canceled, the seller shall cause any money paid by the buyer, including a down payment, to be returned to the buyer and shall take appropriate action to reflect the termination of the transaction including any security interest created as a result.

(2) Upon cancellation, as allowed by this section, the buyer shall not be liable for any finance or other charge and the transaction, including any security interest, shall be void.

(3) If the seller receives any property from the buyer, he shall return such property in substantially as good condition as it was when it was given within twenty days after cancellation of the transaction. If such property is not returned within such time, the buyer may recover the property or the greater of its agreed or fair market value at retail.

Sec. 6. (1) The buyer shall take reasonable care of such property in his possession before cancellation and for a reasonable time after tender, not to exceed twenty days.

(2) Upon the performance of the seller's obligations under section 7 of this act, the buyer shall tender such property to the seller except that if the return of such property to the seller is inequitable, the buyer shall tender its reasonable value.

(3) Tender shall be made at the location of the property or at the residence of the buyer at the option of the buyer.

(4) If the seller does not take possession of such property within twenty days after tender by the buyer, ownership of such property shall vest in the buyer without obligation on his part to pay for it.

(5) If a seller performs any services pursuant to a home solicitation sale prior to its cancellation, the seller shall not be entitled to compensation.

Sec. 7. (1) No seller may bring any action in any court of this state for the collection of any home solicitation sale without proving that such seller was at all times in compliance with the provisions of this act.

(2) Any sale made in violation of this act shall entitle the buyer to recover any sums paid to the seller pursuant to the transaction along with the actual damages, including any incidental and consequential damages sustained by the buyer by reason of the violation, together with the costs of the suit, including a reasonable attorney's fee.".

(Signed) J. James Waldron, Chairman

MOTION—Bracket LB 235 on Final Reading

Mr. Snyder moved to bracket LB 235 indefinitely on Final Reading.

Mr. Cavanaugh moved to amend the motion to bracket until April 10. The amendment lost with 19 ayes, 20 nays and 10 not voting.

BILL ON FINAL READING

LEGISLATIVE BILL 235. Bracketed on Final Reading

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 268. Placed on Select File as amended.
(E & R amendments printed and available separate from the Journal)

LEGISLATIVE BILL 413. Placed on Select File as amended.
E & R amendments to LB 413:

1. On page 2 strike beginning with the comma in line 15 through the second comma in line 16.
2. In the Nore amendment 1, strike line 2 and insert "and strike 'three' and insert '~~three~~ two'.".
3. In lieu of the Nore amendment 4, on page 4, strike lines 21 and 22 and insert "governed by the provisions ~~relating to Class II school districts~~ in ~~sections 32-504 (1) (a) and 32-512 (4);~~ section 32-504; if by"; in line 24 strike "sections 32-535 and 32-514 (4)" and insert "~~sections 32-535 and 32-514 (4)~~ the provisions of Chapter 32"; and in line 25 insert "or election commissioner" after "clerk".
4. In the Nore amendment 3, strike lines 1 to 3 and insert "3. On page 5, line 3, strike 'secretary of the board' and insert '~~secretary of the board~~ county clerk or election commissioner'; in line 7 insert 'vice president,' after the first comma; in lines 7 and 8 strike 'each annual meeting,' and show as stricken; and insert".
5. In the title, line 3, insert "to provide for officers;" after the semicolon; and in line 5 insert "to provide for elections and the filling of vacancies;" after the first semicolon.

LEGISLATIVE BILL 462. Placed on Select File as amended.
E & R amendment to LB 462:

1. In the title, line 7, insert "to become effective" after "filing".

LEGISLATIVE BILL 435. Placed on Select File as amended.
E & R amendments to LB 435:

1. On page 2, line 21, insert an underscored comma after "place".
2. On page 3, line 4, insert an underscored comma after "caucus" and in lines 6 and 7 strike "of the caucus".

LEGISLATIVE BILL 483. Placed on Select File as amended.
E & R amendments to LB 483:

1. On page 2, insert an underscored comma after "county" in lines 21 and 27.
2. In the title, strike beginning with "authorize" in line 4 through "nurse" in line 7 and insert "extend powers".

LEGISLATIVE BILL 60. Placed on Select File as amended.
E & R amendments to LB 60:

1. In new section 2, line 3, insert "persons of" after the first "of".
2. Insert the Cavanaugh amendment after "needed" in line 6 of new section 3.
3. In the title, strike lines 2 and 3 and insert: "FOR AN ACT relating to minors; to limit the taking and use of fingerprints except as prescribed.".

LEGISLATIVE BILL 352. Placed on Select File.

LEGISLATIVE BILL 479. Placed on Select File as amended.
E & R amendment to LB 479:

1. On page 2, line 18, strike the comma; and in line 22, insert an underscored comma after "termination".

LEGISLATIVE BILL 420. Placed on Select File.

LEGISLATIVE BILL 478. Placed on Select File as amended.
E & R amendments to LB 478:

1. On page 4, line 23, strike the comma.
2. On page 5, line 2, strike the semicolon and insert an underscored comma.

LEGISLATIVE BILL 480. Placed on Select File as amended.
E & R amendments to LB 480:

1. In standing committee amendment 1, strike the quotation mark in line 2.
2. In the title, line 7, insert "of future terminating firemen" after "contributions".

LEGISLATIVE BILL 527. Placed on Select File as amended.
E & R amendments to LB 527:

1. On page 3, line 8, insert "to the producer" after "liable" and strike the same in line 10; and insert an underscored comma after "shall" in line 10 and "assessed" in line 12.

2. In the title, strike lines 4 and 5 and insert "change provisions for the collection and payment of charges; and to repeal".

LEGISLATIVE BILL 428. Placed on Select File as amended.
E & R amendments to LB 428:

1. On page 2, line 3, insert a comma after "Nebraska"; and in line 17, insert a comma after "to" and after "of".

2. In standing committee amendment 6, insert "made" after "contributions".

3. In the title, strike beginning with "allow" in line 4 through line 5 and insert "provide for administration.".

LEGISLATIVE BILL 492. Placed on Select File as amended.
E & R amendment to LB 492:

1. In the title, strike lines 4 and 5 and insert "the State Employees Retirement System; to restrict membership in the system as prescribed; and to".

LEGISLATIVE BILL 331. Placed on Select File as amended.
E & R amendments to LB 331:

1. In lieu of standing committee amendment 1, on page 2, line 6, insert "crows," after the first comma.

2. In lieu of standing committee amendment 2, on page 5, line 21, strike "or" and insert ", ~~or~~" and after the comma insert "or crows,"

LEGISLATIVE BILL 378. Placed on Select File as amended.
E & R amendments to LB 378:

1. On page 2, line 25, insert an underscored comma after "pamphlets".

2. On page 3, lines 4 and 14, insert an underscored comma after "pamphlets"; and in lines 17 and 19, strike "biennium" and insert "fiscal year".

3. For correlation purposes, on page 2, line 2, page 4, line 15, and in the title, line 3, insert ", as amended by section 2, Legislative Bill 201, Eighty-third Legislature, First Session, 1973" after "1943"; and on page 4, line 13, insert "; and ~~(9)~~ (10) to employ special investigators who shall be appointed deputy state sheriffs by the Governor, and who shall, upon qualifying for such office, possess all the powers which attach to such office, except that their powers and duties shall be restricted to the enforcement of the animal disease control laws of the State of Nebraska within the jurisdiction of the Department of Agriculture" after "laws".

4. In the title, line 6, insert a comma after "pamphlets".

(Signed) John J. Cavanaugh, Chairman

STANDING COMMITTEE REPORT
Miscellaneous Subjects

LEGISLATIVE RESOLUTION 21. Placed on General File.

(Signed) John J. Cavanaugh, Vice-Chairman

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 566. By Judiciary Committee, Luedtke, 28th District, Chairman, at the request of the Governor.

A BILL FOR AN ACT relating to penal reform; to consolidate the administration of community-based correctional programs within the Division of Corrections; to define terms; to create an Office of Community-based Services; to provide for its operation, powers, and responsibilities; to provide for community service officers and presentence service officers; to provide for their appointment, powers, duties, and responsibilities; to amend sections 83-195, 83-1,119, 83-1,125, and 83-1,128, Reissue Revised Statutes of Nebraska, 1943, and sections 29-2246, 29-2248, 29-2261, 29-2262, 29-2263, 29-2265, and 29-2266, Revised Statutes Supplement, 1972; and to repeal the original sections, and also sections 83-1,100, 83-1,102, 83-1,103, and 83-1,104, Reissue Revised Statutes of Nebraska, 1943, and sections 29-2249, 29-2250, 29-2251, 29-2252, 29-2253, 29-2254, 29-2255, 29-2256, 29-2257, 29-2258, 29-2259, and 83-1,101, Revised Statutes Supplement, 1972.

LEGISLATIVE BILL 567. By Judiciary Committee: Luedtke, 28th District, Chairman, at the request of the Governor.

A BILL FOR AN ACT to amend section 28-506, Reissue Revised Statutes of Nebraska, 1943, and section 28-512, Revised Statutes Supplement, 1972, relating to crimes and punishments; to redefine grand larceny and petit larceny; and to repeal the original sections.

LEGISLATIVE BILL 568. By Judiciary Committee: Luedtke, 28th District, Chairman, at the request of the Governor.

A BILL FOR AN ACT to amend sections 28-1212 and 28-1213, Revised Statutes Supplement, 1972, relating to crimes and punishments; to change the penalty for issuing no-fund and insufficient checks, assignment of funds, and drafts; and to repeal the original sections.

LEGISLATIVE BILL 569. By Judiciary Committee: Luedtke, 28th District, Chairman, at the request of the Governor.

A BILL FOR AN ACT to amend section 83-145, Reissue Revised Statutes of Nebraska, 1943, relating to division of corrections–made goods; to make it permissive to purchase goods from the division of corrections; to eliminate the requirements for purchasing goods from the division of corrections; to eliminate the restriction of printing by offenders or misdemeanants; and to repeal the orginal section.

STANDING COMMITTEE REPORTS
Miscellaneous Subjects

LEGISLATIVE BILL 111. Placed on General File as amended. (Standing Committee amendments printed and available separate from the Journal).

(Signed) J. James Waldron, Chairman

LEGISLATIVE BILL 366. Placed on General File as amended. Standing Committee amendments to LB 366:

1. On page 9, line 27 strike "twelve" and insert "fifteen".
2. On page 10, line 5 insert "maximum" before "price", line 7 strike "schedule" and insert "schedules or amendments", line 8 strike "section 53-168.02" and insert "sections 53-168.02 and 53-168.03", line 9 strike "from whom the", strike lines 10 to 12 and insert "for the twelve-month period of time immediately preceding the latest filing of such schedule or amendment.".
3. On page 12, lines 3 to 8 strike the new matter; in line 9 strike "(8)" and insert "(7)"; in line 15 strike "(9)" and insert "(8)"; in line 18 strike "(10)" and insert "(9)"; in line 25 strike "(11)" and insert "(10)".
4. On page 13, line 2 strike "(12)" and insert "(11)"; and in lines 17 to 20 reinstate the stricken matter.
5. On page 16, lines 1 to 9 reinstate the stricken matter and strike the new matter.
6. On page 18, strike section 7 and renumber section 8 as section 7.

(Signed) John J. Cavanaugh, Vice-Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 182, 182A, 324. 344, 346, 463, 489 and 523.

(Signed) John J. Cavanaugh, Chairman

RETURN BILLS FOR PUBLIC HEARINGS

Mr. Snyder requested the following bills be returned to the Reference Committee to have them referred for public hearings: 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 536, 545, 535 and 532.

SELECT FILE

LEGISLATIVE BILL 68. E & R amendments found in the Journal on page 1040 for the Sixtieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 68A. E & R amendment found in the Journal on page 1042 for the Sixtieth Day was adopted.

Mr. Duis offered the following amendment which was adopted with 25 ayes, 0 nays and 24 not voting:

On Page 2, Strike line 2 and insert "sixty-one thousand five hundred twenty one dollars from."

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 86. E & R amendments found in the Journal on page 1042 for the Sixtieth Day were adopted.

Mr. Duis offered the following amendment which was adopted with 25 ayes, 0 nays and 24 not voting.

1. On page 8, line 12 after "applicant's" insert "license".

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 364. E & R amendments found in the Journal on page 1044 for the Sixtieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 145. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 148. Mr. Warner offered the following amendments:

1. On page 2 after line 20 insert two new sections:

"Sec. 2. That section 79-603, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-603. No Class I district which contracts for the instruction after June 1, 1970, of all of its pupils with a Class I, II, III, IV or V district shall merge with another Class I district; Provided, no district shall contract for the instruction of all of its pupils with a Class II, III, IV or V district for more than two consecutive years and a district which has contracted for the instruction of all of its pupils with a Class II, III, IV or V district for two or more consecutive years before August 4, 1969 shall not contract for the instruction of all of its pupils with a Class II, III, IV or V district after June 1, 1970;~~and~~ provided further, nothing herein shall be construed as an extension of the limitations on contracting for the instruction of the pupils of a district contained in section 79-486; and provided further, that the county superintendent shall dissolve and attach to a neighboring district or districts any school district which, for two consecutive years, contracts for the instruction of all of its pupils with a Class II, III, IV, or V district. The dissolution of any school district pursuant to this section shall be effected in the manner prescribed in section 79-420. When such dissolution would create extreme hardships on the pupils or the district affected, the State Board of Education may, on application by the school board of the district and the recommendation of the county superintendent of the county in which the district is located, waive the dissolution of the district on an annual basis.

Sec. 3. Any expenses incurred by a school district in opposing an order dissolving it under section 79-486 or 79-603 shall be a charge only against such district and the taxable property therein.".

2. On page 2 line 21 strike "section 79-403.02" and insert "sections 79-403.02 and 79-603"; in line 22 strike "is" and insert "are".

3. Renumber original section 2 as section 4.

Amendments pending.

Laid over.

LEGISLATIVE BILL 254. E & R amendments found in the Journal on page 1045 for the Sixtieth Day were adopted.

Mr. Schmit offered the following amendment which was adopted with 26 ayes, 0 nays and 23 not voting:

1. In lines 1 and 2 of the Carpenter amendment, strike "department shall make" and insert "council shall adopt".

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 405. E & R amendments found in the Journal on page 1045 for the Sixtieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 164. E & R amendment found in the Journal on page 1045 for the Sixtieth Day was adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Member Excused

Mr. Epke asked unanimous consent to be excused from 11:00 a.m. until 12:00 noon. No objections. So ordered.

UNANIMOUS CONSENT—Unbracket LB 43

Mr. Stull asked unanimous consent to unbracket LB 43 on E & R Final. No objections. So ordered.

MOTION—Return LB 43 to Select File

Mr. Stull moved to return LB 43 to Select File for the following specific amendment:

1. In the standing committee amendment, line 3,
insert "other than the district in which he resides"
after "district".

The motion prevailed with 28 ayes, 0 nays and 21 not voting.

SELECT FILE

LEGISLATIVE BILL 43. The Stull specific amendment found in this day's Journal was adopted with 26 ayes, 0 nays and 23 not voting.

Bracketed until Thursday, April 5, at the request of Mr. Stull.

UNANIMOUS CONSENT—Unbracket LB 43A

Mr. Stull asked unanimous consent to unbracket LB 43A on Select File. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 43A. Mr. Stull offered the following amendment which was adopted with 25 ayes, 0 nays and 24 not voting:

1. On page 2 line 1 strike "six" and strike line 2
and insert "four hundred six thousand eight hundred seventy-five".

Bracketed until Thursday, April 5 at the request of Mr. Stull.

MOTION—Return LB 416 to Select File

Mr. R. Lewis moved to return LB 416 to Select File for the following specific amendment:

Add the emergency clause.

The motion prevailed with 25 ayes, 0 nays and 24 not voting.

SELECT FILE

LEGISLATIVE BILL 416. The R. Lewis specific amendment found in this day's Journal was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Engrossment.

REFERENCE COMMITTEE REPORT

LB	**Committee**
566	Judiciary
567	Judiciary
568	Judiciary
569	Judiciary

(Signed) Terry Carpenter, Chairman
Executive Board

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 254A. By Schmit, 23rd District.

A BILL FOR AN ACT to appropriate twenty-five thousand three hundred thirty-two dollars from the state General Fund for the period of July 1, 1973 to June 30, 1974 to the Department of Environmental Control for Program 513, Environmental Control, to aid in carrying out the provisions of Legislative Bill 254, Eighty-third Legislature, First Session, 1973.

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 544. Placed on General File.

(Signed) Richard Marvel, Chairman

Government, Military and Veteran's Affairs

LEGISLATIVE BILL 75. Placed on General File as amended.
Standing Committee amendments to LB 75:

1. Amend the bill by adding 3 new sections to be known as sections 1 to 3, and to read as follows:

"Section 1. That section 23-149, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-149. Whenever in counties not under township organization a petition or petitions for the submission of the question signed by not less than two hundred electors of the county, voting at the last general election, shall be filed in the office of the county clerk or election commissioner, not less than ~~fifty~~ seventy days before the date of any general election, it shall be the duty of such county clerk or election commissioner to cause said question to be submitted to the voters of said county at such election, and give notice thereof in the general notice of such election. The forms of ballots shall be respectively: For three commissioners and For five commissioners; and the same shall be ~~written or~~ printed upon the regular ballots cast for officers voted for at such election, and shall be counted and canvassed in the same manner. If a majority of votes cast at said election ~~on~~ favor such proposition ~~have written or printed thereon the words~~ For five commissioners, thereafter said county shall have five commissioners, and if a majority of the ballots cast at said election have ~~written or printed thereon the words~~ favor For three commissioners, thereafter the said county shall have three commissioners. Ballots on which appear For three commissions, and For five commissioners, neither being stricken out, shall not be counted as cast on said proposition.

Sec. 2. That section 23-214, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-214. The county board shall also, at the meeting at which it shall fix and name the several townships, appoint for each township some suitable person, who is an elector within the township, as chairman of the township board. The person so appointed shall, on or before the first Tuesday in January ~~meeting following~~ next ensuing, take the oath of office and file a bond as provided by law. Such bond shall be approved by the board as provided by law. In case such person shall neglect or refuse to qualify, the county board shall at ~~such~~ their regular January meeting appoint another who shall qualify as above stated. The person so appointed shall hold said office until his successor shall be duly elected and qualified as provided by law.

Sec. 3. That section 23-215, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-215. The county ~~clerk~~ board shall ~~also~~ on or before the third Tuesday in December following the adoption of township organization, appoint for each township ~~some suitable person, who is an elector within the township for which he is appointed, as town clerk~~ one town clerk and one treasurer who are qualified electors residing in the township. Such ~~person~~ persons so appointed shall on or before the first Tuesday in January next ensuing take the oath of office and give bond as provided by law. The county board shall approve such bonds at its January meeting or shall meet and approve all bonds given to fill vacancies provided for in this section and section 23-214 before the first day of April next ensuing. In the event the ~~person~~ persons appointed shall fail or refuse to qualify by the time named above, the county ~~clerk~~ board shall name some other person or persons possessing the qualifications mentioned in this section. The persons so appointed ~~and qualified~~ shall qualify and hold their offices ~~until their successors are duly elected and qualified~~ for the term.''.

2. Renumber original section 1 as section 4.

3. Add 5 new sections to be known as sections 5 to 9 and to read as follows:

"Sec. 5. That section 23-234, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-234. The town clerk elected or appointed shall be the clerk of the town meeting, and shall keep faithfully minutes of its proceedings, in which he shall enter at length every order or direction, and all rules and regulations made by such meeting~~, and he and the moderator shall sign the same.~~ If the town clerk is absent from the town meeting the town treasurer shall perform the duties of the town clerk. The person keeping the minutes shall sign the same.

Sec. 6. That section 23-237, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-237. When the result of any vote shall, upon such declaration, be questioned by one or more of the electors present, the ~~moderator~~ presiding officer shall make the vote certain by causing the voters to rise and be counted, or by dividing off.

Sec. 7. That section 23-238, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-238. No person shall be a voter at any town meeting unless he shall be ~~qualified to vote at general elections~~ a registered voter, and ~~has been for the last ten days~~ a resident of the town wherein he shall offer to vote.

Sec. 8. That section 23-241, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-241. The minutes of the proceedings of every town meeting~~, subscribed by the moderator and clerk of such meeting,~~ shall be filed in the office of the town clerk within ten days after such town meeting.

Sec. 9. That section 23-242, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-242. Every person elected or appointed to the office of town clerk, town treasurer, or ~~overseer of highways~~ town chairman, before he enters upon the duties of his office, and within ten days after he shall be notified of his election or apintment, shall take and subscribe before some authorized person an oath or affirmation to faithfully and impartially perform the duties of his office, as prescribed by law, and shall cause a certificate of the same to be filed in the office of the town clerk.".

4. Renumber original sections 2 to 4 as sections 10 to 12 respectively.

5. Add a new section to be known as section 13 and to read as follows:

"Sec. 13. That section 23-257, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-257. The board shall make a certificate to be signed by a majority of its members specifying the value of the claim and to whom the amount is allowed, and shall cause such certificate to be delivered to the town clerk of said town, to be by him kept on file for the inspection of all persons. ~~, and a certified statement shall be made and by him at once delivered to the county clerk, who shall lay such statement or statements received by him from the several clerks before the board of supervisors of the county at their regular annual meeting.~~".

6. Renumber original sections 5 as section 14.

7. Add 5 new sections to be known as sections 15 to 19 and to read as follows:

"Sec. 15. That section 23-260, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-260. The members of the town board shall be entitled to a per diem as fixed by the town board at its annual meeting. ~~but not to exceed five dollars per day each for their services while actually engaged in their duties as such members of the board; and the town clerk in addition thereto~~

~~shall receive fees for the following services: For serving notices of election as required by law, twenty-five cents each; filing papers, ten cents each; posting notices as required by law, twenty-five cents each; for recording any order or instrument of writing authorized by law, five cents for each one hundred words; for copying any record in his office and certifying the same, ten cents for each one hundred words, to be paid by the persons applying for the same; and for copying by laws, for posting or publication, five cents for each one hundred words; Provided, the town treasurer shall receive, in addition to the per diem allowance herein provided an annual salary of five dollars.~~

Sec. 16. That section 23-283, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-283. The county board, on the petition of two hundred and fifty or more ~~legal~~ registered voters of the county filed with the county clerk or election commissioner at least ~~forty~~ seventy days prior to the general election, shall cause to be submitted the the voters of the county the question of township supervisors, by ballot to be ~~written or~~ printed, ~~or partly written partly printed thereon.~~, For township supervisors, or Against township supervisors, the votes to be counted, canvassed, and returned in like manner as votes for county officers.

Sec. 17. That section 23-287, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-287. Whenever a petition or petitions for a submission of the question of the discontinuance of township supervisors to the voters of his county, signed by a number of electors and not less than ten per cent of those voting at the last general election, shall be filed in the office of the county clerk or election commissioner not less than ~~thirty~~ seventy days before the date of any general election, it shall be the duty of the county clerk or election commissioner to cause the question to be submitted to the voters of the county at such general election and give notice thereof in the general notice of such election.

Sec. 18. That section 23-293, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-293. Whenever a petition or petitions for a submission of the question of the discontinuance of township organization to the voters of his county, signed by a number of electors not less than ten per cent of those voting at the last general election, shall be filed in the office of the county clerk or election commissioner not less than ~~thirty~~ seventy days before the date of any general election, it shall be the duty of said county clerk or election commissioner to cause said question to be submitted to the voters of said county at such election, and give notice thereof in the general election notices of such election.

Sec. 19. That section 39-1520.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-1520.01. The county board under township organization in counties not operating under the county road unit system shall divide the county, except the portion occupied by the cities and incorporated villages, into as many road districts as may be necessary, and alter the boundaries thereof as may seem proper; Provided, in no case shall any road district be so constituted as to be within the limits of two distinct voting precincts or townships. ~~It shall be the duty of the county clerk, upon application, to furnish each county board member with a particular description of the boundaries of his district. If the county board in changing the boundary lines of road districts~~

~~thereby creates additional districts, it shall be the duty of the county board to appoint road overseers in such new districts to serve until their successors in office are elected and qualified. The road overseers elected at the last annual town meeting shall serve during their term of office in the districts where they reside.~~".

8. Strike original section 6 and insert a new section 20 to read as follows:

"Sec. 20. That original sections 23-149, 23-214, 23-215, 23-227, 23-234, 23-237, 23-238, 23-241, 23-242, 23-250, 23-252, 23-253, 23-257, 23-259, 23-260, 23-283, 23-287, 23-293, and 39-1520.01, Reissue Revised Statutes of Nebraska, 1943, and also sections 23-216, 23-217, 23-218, 23-220, 23-221, 23-232, 23-233, 23-235, 23-240, 23-244, 23-256, 23-280, 39-1524.01, 39-1525, and 39-1526, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

(Signed) Ernest Chambers, Chairman

MOTION–Approve Governor Appointment

Mr. Whitney moved the confirmation of the Governor's appointment of Dr. Jack Anderson as Director of Public Institutions found in the Journal on page 1001 for the Fifty-eighth Day and suggests a record vote on the confirmation.

Mr. Carpenter moved the previous question. The question is, "Shall the debate now cease?" The motion lost with 19 ayes, 15 nays and 15 not voting.

The Whitney motion is pending.

VISITORS

President Marsh introduced 13 Government seniors and teachers, from Rising City School, Rising City, Nebraska.

President Marsh introduced 33 Senior High School students and their teachers, Messrs. Mike Ryan and Ken Albertsen, from Sunnydale School, Centroela, Missouri.

President Marsh introduced 60 Eighth Grade students and their teachers, Mrs. John Donaboc and Mr. Demke from Papillion School, Papillion.

President Marsh introduced 30 Social Studies and Science students and teachers, Mr. Holt and Mrs. Elliot from Papillion Junior High, Papillion.

RECESS

At 11:52 a.m., on a motion by Mr. F. Carstens, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:00 p.m., President Marsh presiding.

The roll was called and all members were present except Messrs. Anderson, Proud and Waldron who were excused.

UNANIMOUS CONSENT—Member Excused

Mr. Fowler asked unanimous consent to be excused at 3:15 p.m. today. No objections. So ordered.

REFERENCE COMMITTEE REPORT

The following bills were removed from General File and rereferred to the following committees.

LB	Committee
532	Education
535	Agriculture and Environment
536	Appropriations
545	Miscellaneous Subjects
549	Government, Military and Veteran's Affairs
550	Government, Military and Veteran's Affairs
551	Government, Military and Veteran's Affairs
552	Government, Military and Veteran's Affairs
553	Government, Military and Veteran's Affairs
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559	Government, Military and Veteran's Affairs
560	Government, Military and Veteran's Affairs
561	Government, Military and Veteran's Affairs
562	Government, Military and Veteran's Affairs

(Signed) Terry Carpenter, Chairman
Executive Board

NOTICE OF COMMITTEE HEARING
Judiciary

LB 566	Wednesday, April 11, 1973	1:00 p.m.
LB 567	Wednesday, April 11, 1973	1:00 p.m.
LB 568	Wednesday, April 11, 1973	1:00 p.m.
LB 569	Wednesday, April 11, 1973	1:00 p.m.

(Signed) Roland A. Luedtke, Chairman

RESOLUTION

LEGISLATIVE RESOLUTION 28.

Introduced by Clark, 47th District; Schmit, 23rd District; Nore, 22nd District; Hasebroock, 18th District; Marsh, 29th District; Murphy, 17th District; Kelly, 35th District; Rasmussen, 41st District; Luedtke, 28th District; Kennedy, 21st District; Stromer, 36th District; Warner, 25th District.

WHEREAS, the production of beef is one of the major factors in the prosperity of Nebraska, and

WHEREAS, there are numerous complaints currently about the price of beef while the price that beef producers receive has only returned to the level of twenty-two years ago, and

WHEREAS, the price of most goods which must be purchased by Nebraska farmers and ranchers is at an all-time high, far exceeding the levels of twenty-two years ago, and

WHEREAS, the Legislature recognizes the importance of the cattle industry to this state and the entire nation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That April is hereby proclaimed BEEF APPRECIATION MONTH in the State of Nebraska.

Laid over.

MOTION–Return LB 548 for a Public Hearing

Mr. Snyder moved that LB 548 be returned to a Committee for a public hearing. The motion lost with 11 ayes, 17 nays and 21 not voting.

ATTORNEY GENERAL OPINION

April 3, 1973

Senator Robert L. Clark
Nebraska State Legislature
State Capitol
Lincoln, Nebraska

Re: L. B. 36

Dear Senator Clark:

This is in reply to your inquiry concerning the constitutionality of L. B. 36, as amended on March 29, 1973, which would grant to the State and counties, without compensation to the School Trust, an easement for a public road or highway along the side of a school section, or on any part of a section that has an established meandering road.

The lands with which the provisions of L. B. 36 are concerned were acquired by the State of Nebraska by the Enabling Act of Congress adopted April 19, 1864. Section 7 of this act provides as follows:

> "And be it further enacted, that Sections 16 and 36 in every township, and when such sections have been sold or otherwise disposed of by any act of Congress, other lands equivalent thereto, in legal subdivisions of not less than one-quarter section, and as contiguous as may be, shall be, and are hereby, granted to said state for the support of the common schools."

With regard to the use to which these lands must be put, Article VII, Section 9 of the state constitution provides:

> "The following funds shall be exclusively used for the support and maintenance of the common schools in each school district in the state as the Legislature shall provide:
>
> "* * * * *.
>
> "C. All other grants, gifts and devises that have been or may hereafter be made to the state which are not otherwise appropriated by the terms of the grant, gift or devise; * * *."

In 1966 the State of Arizona, on the relation of its highway department, sued its state land commissioner to prohibit the commissioner's application of his rule that in acquiring rights of way over federally donated lands held in trust by the state, the highway department must pay the appraised value of the property taken. The Supreme Court of Arizona ordered the commissioner to grant such rights of way upon trust lands without compensation. On certiorari to the Supreme Court of the United States a unanimous court held that in acquiring rights of way in federally donated lands held in trust under the New Mexico-Arizona enabling act, Arizona must actually compensate the trust in money for the value of any rights of way which it obtains over the trust lands. Lassen v. Arizona, 386 U. S. 939, 17 L. Ed. 2d 515, 87 S. Ct. 584.

Considering the provisions of L. B. 36, as amended, in light of the decision of the Supreme Court of the United States, it is doubtful that the constitutionality of L. B. 36 could be upheld.

Very truly yours,

CLARENCE A. H. MEYER
Attorney General

(Signed) Bernard L. Packett
Assistant Attorney General

BLP:jc

cc: Vincent Brown
Clerk of the Legislature

STANDING COMMITTEE REPORT
Revenue

LEGISLATIVE BILL 534. Placed on General File as amended.
Standing Committee amendment to LB 534:

1. On page 5, line 3 strike "physically" and line 5 insert "or stored for shipment" after "storing".

(Signed) J. W. Burbach, Chairman

MOTION–Approve Governor's Appointment

Mr. Whitney renewed his pending motion found in today's Journal to confirm the appointment of Dr. Jack Anderson as Director of Public Institutions, found in the Journal on page 1001 for the Fifty-eighth Day, and suggests a record vote on the confirmation.

Mr. Skarda moved the previous question. The question is, "Shall the debate now cease?" The motion prevailed with 31 ayes, 3 nays and 15 not voting.

Voting in the affirmative, 30:

Burbach	C. Carsten	F. Carstens	Clark	DeCamp
Dickinson	Duis	Fellman	Goodrich	Hasebroock
Kennedy	Keyes	Kime	F. Lewis	R. Lewis
Mahoney	Maresh	Marvel	Moylan	Murphy
Rasmussen	Richendifer	Savage	Skarda	Snyder
Stull	Syas	Warner	Whitney	Wiltse

Voting in the negative, 12:

Barnett	Carpenter	Chambers	Epke	Fowler
Johnson	Kelly	Kremer	Luedtke	Marsh
Simpson	Stromer			

Not voting, 7:

Anderson	Cavanaugh	Nore	Proud	Schmit
Stahmer	Waldron			

The appointment was confirmed with 30 ayes, 12 nays and 7 not voting.

GENERAL FILE

LEGISLATIVE BILL 257. Laid over.

LEGISLATIVE BILL 193. Considered.

Mr. Kelly asked unanimous consent to withdraw his pending motion found in the Journal on page 1062 for the Sixtieth Day to indefinitely postpone. No objections. So ordered.

Mr. Cavanaugh offered the following amendments which were adopted:

1. On page 2, line 10, page 3, line 11, and page 6, line 17, reinstate "dollars per week" and immediately prior thereto insert "eighty".
2. On page 2, lines 10 to 12, page 3, lines 11 and 12, and page 6, lines 17 and 18, strike "the maximum weekly income benefit specified in section 8 of this act".
3. Amend page 7, lines 25 to 27, and page 8, lines 1 and 2 to read "~~compensation shall~~ not be more than ~~sixty-two~~ eighty dollars per week nor less than ~~forty~~ forty-nine dollars per week; Provided, that if at the time of injury the employee receives wages of less than ~~forty~~ forty-nine dollars per week, then the compensation shall be the full amount of such wages per week,~~. This~~".
4. On page 8, strike line 11 and insert "specified in this section and section 5 of this act.".
5. On page 9, line 25, insert "The amount of the commuted payment shall be determined as provided in section 48-138." after the period.
6. On page 10, line 20, strike "section 5 and" and strike line 21 and insert "section 48-122 and section 5 of this act:".
7. On page 13, line 24, strike "11 of this act" and insert "48-122".
8. Strike sections 8 to 12 and renumber original sections 13 and 14 as sections 8 and 9.

Advanced to E & R for Review with 29 ayes, 0 nays and 20 not voting.

LEGISLATIVE BILL 342. Considered.

Mr. Clark moved to indefinitely postpone. The motion prevailed with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 180. Considered.

Mr. R. Lewis offered the following amendments which were adopted:

1. Strike the standing committee amendments as amended by the Simpson amendment.

2. Insert a new section to read:

"Section 1. That section 81-502, Revised Statutes Supplement, 1972, be amended to read as follows:

81-502. It shall be the duty of the State Fire Marshal, under authority of the Governor, (1) to enforce all laws of the state relating to the suppression of arson and investigation of the cause, origin and circumstances of fires; (2) to promote safety and reduce loss by fire; (3) after a careful study and investigation of relevant data bearing thereon, to promulgate, alter and enforce rules and regulations covering: (1) The prevention of fires; (b) the storage, sale and use of flammable liquids, combustibles and explosives; (c) electric wiring and heating, and the means and adequacy of exits, in case of fire, from churches, schools, hotels, halls, theatres, amphitheatres, factories, asylums, hospitals, and all other buildings, structures and enclosures in which numbers of persons congregate from time to time for any purpose whether privately or publicly owned; (d) design, construction, location, installation and operation of equipment for storing, handling and utilization of liquefied petroleum gases, specifying the odorization of said gases and the degree thereof; and (e) chemicals, prozylin plastics, X-ray nitrocellulose films, or any other hazardous material that may now or hereafter exist; and (4) to make an investigation for fire safety of all licensed child-care facilities or applicants for licenses for child-care facilities within a reasonable time after request by the Department of Public Welfare. The State Fire Marshal shall delegate the authority set forth in this section to qualified local fire prevention personnel, which local authority shall prevail, subject to established appeal procedures. Such local authority may be revoked by the State Fire Marshal for cause upon thirty days' notice after hearing. The State Fire Marshal, first assistant fire marshal, and deputies shall have such other powers and perform such other duties as are set forth in sections 81-501.01 to 81-531, and as may be conferred and imposed by law. The rules and regulations adopted pursuant to this section may conform generally to the standards recommended by the National Fire Protection Association, Pamphlet Number 101, known as the Life Safety Code, and associated pamphlets, but not when doing so would impose an unduly severe or costly burden without substantially contributing to safety of persons or property. ~~There is hereby adopted the standards recommended by the National Fire Protection Association, Pamphlet Number 101, known as the Life Safety Code, and associated pamphlets as recommended by the National Fire Protection Association and dated 1967; Provided, any building, structure or enclosure of four stories or less in height used exclusively for dwelling purposes and related activities for which a building permit was issued on or before August 1, 1971, by a governmental subdivision of the state having a local building code shall not be subject to the design, construction or alteration requirements of such Life Safety Code. This code shall have the same force and effect as if set out verbatim in this section.~~".

3. Renumber original section 1 as section 2.
4. Add a new section to read:

"Sec. 3. That original section 81-502, Revised Statutes Supplement, 1972, is repealed.".

Mr. DeCamp offered the following amendment which was adopted:
Add the emergency clause.

Advanced to E & R for Review with 27 ayes, 1 nay and 21 not voting.

LEGISLATIVE BILL 22. Title read. Considered.

Standing Committee amendments found in the Journal on page 608 for the Thirty-eighth Day were adopted.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 266. Title read. Considered.

Standing Committee amendment found in the Journal on page 680 for the Forty-second Day was adopted.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 94. Title read. Considered.

Standing Committee amendment found in the Journal on page 761 for the Forty-sixth Day was adopted.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 235A. By Schmit, 23rd District.

A BILL FOR AN ACT to appropriate three million three hundred thousand dollars from the state General Fund and four million five hundred thirty-one thousand dollars from federal funds for the period of July 1, 1973 to June 30, 1974, to the Deprtment of Public Welfare, Agency No. 26 for Program 341, Public Assistance, to aid in carrying out the provisions of Legislative Bill 235, Eighty-third Legislature, First Session, 1973.

UNANIMOUS CONSENT—Unbracket LB 179

Mr. Carpenter asked unanimous consent to unbracket LB 179 on General File for consideration on Wednesday, April 4. No objections. So ordered.

VISITORS

President Marsh introduced 100 8th grade students from Papillion Jr. High, Papillion and teachers Mr. Len Hoff, Mrs. Royal and Mr. Classen.

President Marsh introduced 70 3rd, 4th and 5th grade students from Prescott Elementary School, Lincoln and teachers Miss Arlene Heimer, Mrs. Katharine Duffield, Mr. Barry McDevitt and Mr. Mike Roth.

President Marsh introduced 40 seniors from Platte Valley Academy, Shelton and teachers Mrs. Marge McComb, Mr. Gordon Kainer and Mr. Earl Adams, Superintendent.

SELECT COMMITTEE REPORT
Rules

Mr. Duis moved the following amendments to the rules be adopted or indefinitely postponed as shown:

1. Rule 5(d), Journal page 91 (Stahmer) — Indefinitely postponed.
2. Rule 6, Sec. 2, Journal page 357 (Warner) — Adopted as amended to read as follows:

(h) Any bill failing to receive 25 votes to be advanced to E & R Initial after ~~two~~ three attempts shall be indefinitely postponed.

3. Rule 5, Sec. 5, Journal page 580 (Stull) — Indefinitely postponed.
4. Rule 2, Sec. 3(f), Journal page 858 (Duis) — Adopted.

(Signed) Herbert Duis, Chairman

ADJOURNMENT

At 3:51 p.m., on a motion by Mr. Hasebroock the Legislature adjourned until 9:00 a.m., Wednesday, April 4, 1973.

Vincent D. Brown
Clerk of the Legislature

SIXTY-SECOND DAY—APRIL 4, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

SIXTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 4, 1973

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Proud presiding.

PRAYER

The prayer was offered by the Chaplain.

> O Lord and Saviour of all: We need Your help to take resentment out of our thoughts and meditations–sometimes, more than at other times, but never, it seems, are we completely free of this need–for things happen in life generally, and in the life of this Legislature, of course, which annoy and hurt.
>
> Words are spoken which we sometimes feel to be personally unkind or unnecessary; and we feel ourselves to be misjudged when we should be congratulated, or overlooked when we should be recognized.
>
> Save us from inner rebellion and bitterness and moodiness, for such things can succeed only in destroying our souls.
>
> Help us today by reminding us of that perfect one who tread these paths before us in the Fullness of Times; and may the way the Master went be the way the servant travels still. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. DeCamp, Moylan, Murphy, and Waldron who were excused; Mr. Chambers who was absent until 11:00 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixty-first Day was approved.

ANNOUNCEMENT

Mr. Marvel announced that the Senators are invited to attend the Mainland China Institute to be held at Nebraska Wesleyan University, April 4 through April 8.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 280. Replaced on Select File as amended.
E & R amendment to LB 280:

1. In lieu of the Marvel amendment 1, in renumbered section 1, line 7, strike "annual" and insert "~~annual~~".

LEGISLATIVE BILL 110. Replaced on Select File as amended.
E & R amendments to LB 110:

1. Renumber new section 12, added by the Waldron amendment, as section 9, supply underscoring thereto, and renumber sections 9 to 12 as sections 10 to 13.
2. Strike the Waldron amendment 2,
3. In the title, as amended, line 12, insert "to provide the number of nominees; to provide for rules;" after the first semicolon.

LEGISLATIVE BILL 68A. Replaced on Select File as amended.
E & R amendments to LB 68A:

1. In line 2 of the Duis amendment adopted 4/3/73, strike the period.
2. In lines 2 and 3 of the title as amended, strike "fifty-one thousand eighty-seven" and insert "sixty-one thousand five hundred twenty-one".

LEGISLATIVE BILL 73. Placed on Select File as amended.
E & R amendments to LB 73:

1. In standing committee amendment 2, line 1, insert a comma before "within".
2. On page 30, line 18, strike the comma; and in line 24 strike "as provided in this act".
3. On page 31, strike line 17 and insert:
"Sec. 3. (1) In each county described in section 1 of this act, there is hereby created the Land Reutilization Commission, which"; in line 18, strike "three" and insert "five"; in line 21 strike "and"; in line 23, insert ", and the county treasurer and county assessor shall be ex officio members" after "county"; and in line 23 insert "appointed" after "The".
4. On page 32, line 1, insert "appointive" after "the"; in line 5 strike "all" and insert "the"; in line 11 insert "or which he represents" after "appointed"; and in line 13 strike "and"; and in line 14 strike "his" and insert "all".
5. On page 33, line 3, strike the comma; in line 18, strike "and affixed thereon"; in line 23 strike "as" and insert "an"; and in line 25 insert a comma after "conveyance".

6. On page 34, line 16, strike the comma; and in line 26 strike "two-thirds" and insert "three-fifths".

7. On page 35, strike lines 8 and 9 and insert "upon request of and to a public agency upon submission of"; in lines 11 and 12 strike "under subdivision (2) of this section"; in line 26 insert "such" after "for" and strike "in such subdivision"; and in line 27 insert a comma after "objective".

8. On page 36, line 10, strike "money" and insert "charge"; and in line 27 strike the comma.

9. On page 37, line 5, strike "city" and insert "county"; in line 11 strike "thereof" and insert "such audit"; in line 23 strike "fund" and in line 25 strike "supplementally".

10. On page 38, line 3, strike "city departmental"; in lines 14 and 15 strike "shall, acting as"; and in line 15 strike the comma and insert "shall".

11. On page 39, line 1, strike "36" and insert "6"; in line 8 insert a comma after "fees"; and in line 13 strike the first "to" and insert "shall".

12. On page 40, strike lines 8 to 10 and insert: "shall, upon conviction thereof, be punished by imprisonment in the Nebraska Penal and Correctional Complex not less than two years nor more than five years.".

13. In new section 11, insert a comma after "fees" in lines 4, 7, 20; and strike line 5 and "law" in line 6.

14. In new section 12, line 7, strike the comma; and in line 9 strike "paid".

LEGISLATIVE BILL 17. Placed on Select File as amended.
E & R amendments to LB 17:

1. In new section 1, line 21, strike "calibration, and verification" and insert "calibrating, and verifying"; in line 24, strike the first period; insert an underscored colon after "Scales" in line 94, "Tanks" in line 103, "Pumps" in line 112, and "Meters" in line 116; insert "Dollars" at the end of line 94; strike the dollar signs in lines 95 to 120; in line 95, strike "Over 0" and insert "Up"; in lines 95 to 100 and lines 104 to 110, strike "and including"; in lines 95 to 101 strike "lbs." and insert "pounds"; in line 101, strike "75,000 and over" and insert "Over 75,000"; and strike "up" in lines 105 to 110.

2. In new section 2, lines 28 and 29, strike "biennium" and insert "year".

3. In new section 3, strike the comma at the end

of line 5 and show the same as stricken; and in line 11, insert an underscored comma after the second "dollars".

4. In the title, strike lines 2 to 6 and insert: "FOR AN ACT to amend sections 89-187, 89-1,100, and 89-1,101, Revised Statutes Supplement, 1972, relating to weights and measures; to change duties; to provide for fees and the disposition and use thereof; to change the penalty provision; and to".

LEGISLATIVE BILL 406. Placed on Select File as amended.
E & R amendment to LB 406:

1. In standing committee amendment 1, line 5, strike the first semicolon.

LEGISLATIVE BILL 357. Placed on Select File as amended.
E & R amendments to LB 357:

1. In the Anderson amendment 2, line 1, strike the third comma; and in line 3 strike the periods.
2. In the Anderson amendment 3, line 2, strike the period.
3. In standing committee amendment 1, line 5, strike "provided that" and insert "but".

LEGISLATIVE BILL 265. Placed on Select File as amended.
E & R amendments to LB 265:

1. On page 4, strike the commas in line 13; and in line 19 insert "a statement of" after "including".
2. Strike all previous amendments to page 5; in line 9 thereof strike "thousand" and insert "~~thousand~~ hundred"; in line 10 strike "one year" and insert "~~one year~~ thirty days"; and in line 15 insert "a statement of" after "including".
3. Renumber new section 3 as section 1 and original sections 1 to 3 as sections 2 to 4.
4. Strike the Fowler amendments 2 and 3.
5. On page 6, line 2, strike "section" and insert "sections 48-1002 and".
6. In the title, line 3, strike "section" and insert "sections 48-1002 and"; strike lines 5 and 6 and through "charges" in line 7 and insert "relating to labor; to redefine terms; to change penalties; to change the time for filing charges and to provide a time for giving notice thereof".

LEGISLATIVE BILL 36. Placed on Select File as amended.
E & R amendments to LB 36:

1. To harmonize the Clark amendments, amend section 1 to read:

"Section 1. All established public roads that have been built on the section line along any side, or part of the side of a section owned by the Board of Educational Lands and Funds, and on any part of a section that has an established meandering road not on the section line, under the jurisdiction of the Board of Educational Lands and Funds, shall be dedicated to the county for public use in the case of county roads, or to the State of Nebraska, Department of Roads, for public use. The county road right-of-way so dedicated shall be no less than thirty-three feet from the section line, nor less than sixty-six feet through that part of the section where the established road meanders through the described section. Upon receipt from any county of a payment of the appraised value of all parcels of land described in this section, or one dollar per acre, whichever is the greater, the Board of Educational Lands and Funds shall by a single instrument convey to the county title to all such parcels within the county. Such instrument shall be recorded in the office of the register of deeds.".

2. In the title, line 5, strike "to the county" and insert "as prescribed; and to provide for payment therefor".

LEGISLATIVE BILL 258. Placed on Select File.

LEGISLATIVE BILL 319. Placed on Select File as amended.
E & R amendments to LB 319:

1. In lieu of the Richendifer amendment to page 2, in line 11 thereof strike "individual" and "or seven" and strike the new matter in line 12.

2. In lieu of the Richendifer amendment thereto, in standing committe amendment 1, strike "single abstracts and" and strike line 3.

3. In the title, line 5, strike "and" and insert "to provide for the disposition and use of fees;"; and in line 6, insert "; and to declare an emergency" after "section".

LEGISLATIVE BILL 443. Placed on Select File.

LEGISLATIVE BILL 207. Placed on Select File as amended.
E & R amendments to LB 207:

1. On page 2, lines 10 and 20, strike the comma and insert "or an"; in line 14 insert a comma after "shelter"; and in line 27 strike the second and third commas.

2. In lieu of the DeCamp amendment to page 2, line 25 thereof insert "with the caller giving his name and address," after the comma; and in lines 26 and 27 strike "if requested by the law enforcement agency".

3. In lieu of the DeCamp amendment to page 3, in line 12 thereof insert "make a determination as to whether or not an investigation should be made and if an investigation is deemed warranted to" after "to".

4. On page 4, insert a comma after "states" in line 19 and "files" in line 22; and in line 21 strike the comma and insert "or"; and in line 23 strike "the above" and insert "such provisions".

5. On page 5, line 10, strike "in a sum".

LEGISLATIVE BILL 290. Placed on Select File as amended.
E & R amendments to LB 290:

1. In new section 2, in line 3, insert "and certify to the state probation administrator" after "develop"; in line 8 strike "State"; strike the comma in line 10; in line 11 strike "standard" and insert "program"; in lines 12 and 14 strike "State" and insert "probation"; and in line 17 strike "court suspending" and insert "power of the court to suspend".

2. In new section 3, lines 1 and 8 strike "thereof"; in line 2 strike "in" and insert "of"; in lines 5 and 7 strike "said" and insert "such"; in line 6 strike the semicolon and insert an underscored comma; in line 7 strike "as provided for herein".

3. In the title, lines 4 and 5, strike "drunken driving" and insert "certain offenses; to provide for probation as prescribed".

(Signed) John J. Cavanaugh, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 5.

A BILL FOR AN ACT to amend section 71-202, Reissue Revised Statutes of Nebraska, 1943, relating to public health and welfare; to redefine the practice of barbering; and to repeal the original section, and also section 71-2043, Revised Statutes Supplement, 1972.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Anderson Barnett Burbach Carpenter C. Carsten

F. Carstens	Clark	Dickinson	Duis	Epke
Fellman	Goodrich	Hasebroock	Kelly	Kennedy
Kremer	F. Lewis	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Proud	Rasmussen
Richendifer	Savage	Schmit	Simpson	Skarda
Snyder	Stromer	Stull	Syas	Warner
Whitney	Wiltse			

Voting in the negative, 0.

Not voting, 12:

Cavanaugh	Chambers	DeCamp	Fowler	Johnson
Keyes	Kime	Moylan	Murphy	Nore
Stahmer	Waldron			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 25.

A BILL FOR AN ACT relating to liquors; to provide an alternative penalty; to provide duties; to provide employee status for certain offenders working as a condition of probation; to amend section 53-180.05, Revised Statutes Supplement, 1972, section 48-115, Revised Statutes Supplement, 1972, as amended by section 2, Legislative Bill 239, Eighty-third Legislature, First Session, 1973, and section 48-126.01, Revised Statutes Supplement, 1972, as amended by section 3, Legislative Bill 239, Eighty-third Legislature, First Session, 1973; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Clark	Dickinson	Duis
Fellman	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kime	Kremer	F. Lewis
R. Lewis	Mahoney	Maresh	Marsh	Marvel
Proud	Rasmussen	Savage	Schmit	Skarda
Snyder	Stromer	Stull	Syas	Warner
Whitney	Wiltse			

Voting in the negative, 4:

Fowler	Luedtke	Nore	Simpson

Not voting, 8:

Chambers DeCamp Epke Moylan Murphy
Richendifer Stahmer Waldron

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 425.

A BILL FOR AN ACT relating to insurance; to provide for unauthorized transactions; and to provide penalties.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Anderson Burbach Carpenter C. Carsten F. Carstens
Cavanaugh Clark Dickinson Duis Fellman
Fowler Goodrich Hasebroock Johnson Kelly
Kennedy Keyes Kime Kremer F. Lewis
R. Lewis Luedtke Mahoney Maresh Marsh
Marvel Proud Rasmussen Richendifer Savage
Schmit Simpson Skarda Snyder Stahmer
Stromer Stull Syas Warner Whitney
Wiltse

Voting in the negative, 0.

Not voting, 8:

Barnett Chambers DeCamp Epke Moylan
Murphy Nore Waldron

A constitution majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 452. Laid over temporarily at the request of Mr. Burbach.

SELECT FILE

LEGISLATIVE BILL 148. The Warner pending amendments found in the Journal on page 1074 for the Sixty-first Day were adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 268. E & R amendments referred to on page 1069 in the Journal for the Sixty-first Day were adopted.

Laid over.

LEGISLATIVE BILL 413. E & R amendments found in the Journal on page 1069 for the Sixty-first Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 462. E & R amendment found in the Journal on page 1069 for the Sixty-first Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 435. E & R amendments found in the Journal on page 1069 for the Sixty-first Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 483. E & R amendments found in the Journal on page 1070 for the Sixty-first Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 60. E & R amendments found in the Journal on page 1070 for the Sixty-first Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 352. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 479. E & R amendments found in the Journal on page 1070 for the Sixty-first Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 420. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 478. E & R amendments found in the Journal on page 1070 for the Sixty-first Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 480. E & R amendments found in the Journal on page 1070 for the Sixty-first Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 527. E & R amendments found in the Journal on page 1070 for the Sixty-first Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 428. E & R amendments found in the Journal on page 1071 for the Sixty-first Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 492. E & R amendment found in the Journal on page 1071 for the Sixty-first Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 331. E & R amendments found in the Journal on page 1071 for the Sixty-first Day were adopted.

Mr. Syas offered the following amendments which were adopted with 25 ayes, 0 nays and 24 not voting:
1. On page 2, line 5 before "turtles" insert "snapping" and before "salamanders" insert "tiger".
2. On page 6, line 5 before "turtle" insert "snapping" and in line 6 before "salamander" insert "tiger".

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 378. E & R amendments found in the Journal on page 1071 for the Sixty-first Day were adopted.

Advanced to E & R for Engrossment.

MOTION—Friday Session

Mr. Syas moved that we do not meet Friday, April 6. The motion lost with 18 ayes, 22 nays and 9 not voting.

SELECT FILE

LEGISLATIVE BILL 268. Laid over at the request of Mr. Warner.

MOTION—Return LB 452 to Select File

Mr. Burbach moved to return LB 452 to Select File for the following specific amendments:
(Note: Amendments are to the Final Reading bill.)
1. On page 10, line 5, strike "commission" and insert "Governor from a list of three nominees

and no more than two of one party be submitted to him by the commission and subject to confirmation by the Legislature"; and in lines 22 and 27 strike "commission" and insert "Governor".

2. On page 11, line 1, strike "commission" and insert "Governor"; in line 22 insert "and" after the second comma; and in line 23 strike ", and the data processing division".

3. On page 12 insert "There shall also be a data processing division which shall be directly responsible to the commission and not a part of the Department of Governmental Services. The administrator of the data processing division shall be appointed by the commission, subject to confirmation by the Legislature, and shall serve a four-year term commencing July 1, 1973 and may be removed for cause by the Commission. Before entering on the duties of his office, he shall subscribe and take the constitutional oath of office which shall be filed in the office of the Secretary of State." at the end of line 9.

4. On page 25, line 26, strike "director" and insert "commission".

5. On page 26, line 13, strike "director" and insert "commission".

6. On page 28, lines 2 and 3, strike "of the office"; and in line 16 strike "department" and insert "division".

7. On page 29, line 4, strike "department" and insert "division's".

The motion prevailed with 25 ayes, 12 nays and 12 not voting.

SELECT FILE

LEGISLATIVE BILL 452. The Burbach specific amendments found in this day's Journal were adopted with 25 ayes, 12 nays and 12 not voting.

Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORTS

Correctly Engrossed

The following bills were correctly engrossed: 277, 356, 363, 416, 488 and 512.

(Signed) John J. Cavanaugh, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on April 4, 1973, at 9:05 a.m.: LB 206, LB 336, LB 336A and LB 380.

(Signed) Barbara Jackson, Enrolling Clerk

UNANIMOUS CONSENT–Member Excused

Mr. F. Lewis asked unanimous consent to be excused Friday, April 6th; Monday, April 9th and Tuesday, April 10th. No objections. So ordered.

EXPLANATION OF VOTE

Had I been present on April 2nd, I would have voted "aye" on LB 206, LB 336, LB 336A and LB 380 on Final Reading.

Had I been present on April 3rd, I would have voted to confirm the appointment of Dr. Jack Anderson as Director of the Department of Public Institutions.

(Signed) Gary L. Anderson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 570. By Whitney, 44th District, at the request of the Governor.

A BILL FOR AN ACT to make an appropriation to the State Department of Education from the Revenue Sharing Trust Fund; and to provide for distribution.

LEGISLATIVE BILL 571. By Whitney, 44th District, at the request of the Governor.

A BILL FOR AN ACT to adopt the School Expenditure Limitation Act.

MOTION–Introduce Bill

Mr. Carpenter moved the introduction of a new bill by the Executive Board (Request No. 885). The motion prevailed with 30 ayes, 0 nays and 19 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 572. By Executive Board: Carpenter, 48th District, Chairman.

A BILL FOR AN ACT to amend section 49-617, Revised Statutes Supplement, 1972, as amended by section 5, Legislative Bill 1, Eighty-third Legislature, First Session, 1973, relating to distribution of statutes; to change the distribution of statutes; and to repeal the original section.

RESOLUTIONS

LEGISLATIVE RESOLUTION 26. Mr. Syas moved to suspend the rules and adopt LR 26. The motion prevailed with 31 ayes, 0 nays and 18 not voting.

MOTION—Adopt Rule Changes

Mr. Duis moved the adoption of the rule changes as recommended by the Rules Committee, found in the Journal on page 1089 for the Sixty-first Day.

The rule change to Rule 6, Sec. 2 (Warner) as amended by the Rules Committee was adopted with 30 ayes, 0 nays and 19 not voting.

Mr. Maresh moved to amend the rule change to Rule 2, Sec. 3(f) (Duis) by inserting:

"that organizations placing mail in the boxes must have postage on them."

The amendment lost.

Mr. Whitney moved to amend the rule change to Rule 2, Sec. 3(f) (Duis), last line by striking "for distribution" and inserting "who may distribute it".

The amendment was adopted with 9 ayes, 8 nays and 32 not voting.

Rule change to Rule 2, Sec. 3(f), as amended, lost with 29 ayes, 1 nay and 19 not voting.

ANNOUNCEMENT

Mr. Schmit announced the Agriculture and Environment Committee will hold an Executive Session at 11:30 this morning.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 319A. By Richendifer, 16th District.

A BILL FOR AN ACT to make an appropriation to aid in carrying out the provisions of Legislative Bill 319, Eighty-third Legislature, First Session, 1973; and to declare an emergency.

NOTICE OF COMMITTEE HEARING
Appropriations

LB 536 Wednesday, April 11, 1973 1:30 p.m.

(Signed) Richard Marvel, Chairman

REFERENCE COMMITTEE REPORT

LB	Committee
570	Education
571	Education
572	General File

(Signed) Terry Carpenter, Chairman
Executive Board

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 293. Placed on General File as amended.
Standing Committee amendments to LB 293:

1. On page 4, line 11 strike "fifteen" and insert "five".

2. On page 5, line 25 after "the" insert "construction,"; and on line 26 after the period insert "Minimum housing code shall be limited to those laws, resolutions, or ordinances or regulations, or portions thereof, dealing specifically with health and minimum standards of fitness for habitation.".

3. On page 8, strike "(a)" on line 8, line 13 strike "; or" and insert a new period; and strike lines 14 to 21.

4. On page 11 strike lines 18 to 21 and insert "(d) Agrees to the exculpation or limitation of any liability of the landlord arising due to active and actionable negligence of the landlord or to indemnify the landlord for that liability arising due to active and actionable negligence or the costs connected therewith.".

5. On page 12, line 17 strike "delivered"; and strike lines 23 and 24 and insert "money due him and reasonable".

6. On page 14, line 7 after the period insert "If the landlord makes reasonable efforts to obtain possession of the premises, he shall not be liable for an action under this section.";

on line 9 strike "Comply with the minimum standards" and insert "Substantially comply with the requirements of"; on line 10 insert "the" before "applicable"; line 10 strike "building and" and insert "minimum"; and lines 10 and 11 strike "materially affecting health or safety".

7. On page 15, line 7 strike "the duty" and insert "a duty is"; line 7 strike "subdivision (a) is greater" and insert "by other subdivision"; strike line 8; line 9 strike "subsection"; and on line 10 insert "if applicable" before the period, and after line 10 insert "The obligations imposed by section 21 (1) is not intended to change existing tort law in Nebraska.".

8. On page 19, line 22 strike "fourteen" and insert "seven".

9. On page 23, line 13 strike "subdivision" and insert "subdivisions (a) and"; and on line 26 insert after the period "This section is not intended to cover circumstances beyond the landlord's control.".

10. On page 25, line 12 insert after the period "Notwithstanding the provisions of this section, the tenant is responsible for damage caused by his negligence."; on line 14 insert "and wrongfully" after "willfully"; on line 19 strike "not more than" and insert "equal to"; line 20 strike "or threefold the actual" and insert "as liquidated"; and lines 20 and 21 strike "sustained by him, whichever is greater".

11. On page 27, line 25 insert "shall take immediate possession and" after "landlord".

12. On page 28, line 2 strike the line after the period; and strike lines 3 to 10 and insert "Total absence from the premises without notice to landlord for one full rental period or thirty days, whichever is less, shall constitute abandonment.".

13. On page 28, line 23 strike "may have a claim for" and insert "is entitled to"; and on line 23 insert "may have a claim" after "and".

14. On page 30, strike lines 23 and 24; line 25 by striking "(c)" and inserting "(b)".

15. On page 31, line 4 strike the line after the period, by striking lines 5 to 13 and inserting "Nothing in this section shall be construed as prohibiting reasonable rent increases or changes in services notwithstanding the occurrence of acts specified in this subsection.".

16. On page 32, line 13 by striking "unless otherwise agreed to by" and inserting "if requested, by either party"; and line 14 strike "the parties".

17. On page 32, lines 19 and 20 strike ", and shall be served and returned as in other cases"; and line 20 insert after the period "The summons may be served and returned as in other cases, or by any person. The person making the service

shall file with the court an affidavit stating with particularity the manner in which he made the service. Time of trial shall be set seven days after the service of summons.".

18. On page 33, line 17 strike "less than ten" and insert "more than seven".

(Signed) Roland Luedtke, Chairman

UNANIMOUS CONSENT–Members Excused

Mr. F. Carstens asked unanimous consent to be excused Friday at 12:00 noon. No objections. So ordered.

Mr. Barnett asked unanimous consent to be excused at 11:15 for the remainder of the morning. No objections. So ordered.

Mr. Syas asked unanimous consent to be excused Friday and Monday, April 6 and 9. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 179. Title read. Considered.

Standing Committee amendment found in the Journal on page 544 for the Thirty-fifth Day was adopted.

Mr. Carpenter offered the following amendments:

1. Page 2, line 5 after "Board:" insert "free an clear of all encumbrances".
2. Page 9, line 21 insert after "Board:" "free an clear of all encumbrances".

Mr. F. Carstens offered the following amendment to the Carpenter amendments:

Delete second sentence in the Carpenter amendment.

The amendment lost with 2 ayes, 10 nays and 37 not voting.

The Carpenter amendments were adopted.

MR. WHITNEY PRESIDING

Mr. Carpenter offered the following amendment which was adopted with 22 ayes, 3 nays and 24 not voting:

Strike original Sec. 3 and insert:

Sec. 3. Property acquired at Hiram Scott College, Scottsbluff, Nebraska, by the Board of Regents shall be used for the development of programs in the fields of heald, agriculture, and related subjects, except that no courses for academic credit shall be offered at this property unless such courses are directly related to the fields of medicine, dentistry, nursing, allied health, or agriculture.

Laid over.

MESSAGE FROM THE GOVERNOR

April 3, 1973

Mr. Vince Brown
Clerk of the Legislature
State House
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bill No. 360.

This was signed by me on April 3, 1973 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:fw

NOTICE OF COMMITTEE HEARINGS

Government Military and Veteran's Affairs

LB 549	Thursday, April 12, 1973	1:00 p.m.
LB 550	Thursday, April 12, 1973	1:00 p.m.
LB 551	Thursday, April 12, 1973	1:00 p.m.
LB 552	Thursday, April 12, 1973	1:00 p.m.
LB 553	Thursday, April 12, 1973	1:00 p.m.
LB 554	Thursday, April 12, 1973	1:00 p.m.
LB 555	Thursday, April 12, 1973	1:00 p.m.
LB 556	Thursday, April 12, 1973	1:00 p.m.
LB 557	Thursday, April 12, 1973	1:00 p.m.
LB 558	Thursday, April 12, 1973	1:00 p.m.
LB 559	Thursday, April 12, 1973	1:00 p.m.
LB 560	Thursday, April 12, 1973	1:00 p.m.
LB 561	Thursday, April 12, 1973	1:00 p.m.
LB 562	Thursday, April 12, 1973	1:00 p.m.

(Signed) Ernest Chambers, Chairman

STANDING COMMITTEE REPORT
Judiciary

LEGISLATIVE BILL 334. Placed on General File.

(Signed) Roland A. Luedtke, Chairman

RECESS

At 11:58 a.m., on a motion by Mr. Wiltse, the Legislature recessed until 1:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:06 p.m., Mr. Chambers presiding.

The roll was called and all members were present except Messrs. DeCamp, Murphy and Waldron who were excused; members of the Public Works Committee who were excused for a short time.

MR. WHITNEY PRESIDING

GENERAL FILE

LEGISLATIVE BILL 378A. Title read. Considered.

Mr. Rasmussen offered the following amendment which was adopted:

1. On page 2, line 4, insert ", and all receipts of the fund for the same period" after "Fund".

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

SPEAKER PROUD PRESIDING

LEGISLATIVE BILL 110A. Title read. Considered.

Mr. F. Carstens offered the following amendments which were adopted:

1. On page 2, line 3 strike "of July 1, 1973 to" and insert "ending"; after line 13 insert:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 280A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 254A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 235A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 3 nays and 21 not voting.

MR. WHITNEY PRESIDING

LEGISLATIVE BILL 179. Considered.

Mr. Skarda offered the following amendment:
Strike Section two

The amendment was adopted with 17 ayes, 7 nays and 25 not voting.

SPEAKER PROUD PRESIDING

Mr. Stromer moved to indefinitely postpone. The motion lost with 13 ayes, 25 nays and 11 not voting.

Advanced to E & R for Review with 25 ayes, 12 nays and 12 not voting.

UNANIMOUS CONSENT—Change of Order

Mr. Chambers asked unanimous consent to revert to Select File and consider LB 268. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 268. Mr. Chambers offered the following amendments:

1. Add three new sections after section 8 to be known as sections 9 to 12, and to read as follows:

"Sec. 9. That section 29-2504, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2504. The mode of inflicting the punishment of death, in all cases, shall be by causing to pass through the body of the convicted person a current of electricity of sufficient intensity to cause death; and the application of such current shall be continued until such convicted person is dead. The ~~warden~~ Governor of ~~the~~ Nebraska ~~Penal and Correctional Complex, and in case of his death, sickness, absence of inability to act, then the deputy warden,~~ shall be the executioner~~; Provided, the warden may in writing specially designate and appoint a suitable and competent person to act for him, and under his direction, as executioner in any particular case~~ and he shall be prohibited from delegating that responsibility to anyone else; Provided, that if the Governor should fail or refuse to carry out his duty as executioner, no execution shall occur. A crime punishable by death must be punished according to the provisions herein made and not otherwise.

Sec. 10. That section 29-2506, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2506. Besides the warden, the deputy warden, the executioner ~~(in case one shall have been appointed by the warden)~~ and his assistants, the following persons, and no others, except as provided in section 29-2507, may be present at the execution: The clergyman in attendance upon the prisoner, such other persons, not exceeding three in number as the prisoner may designate, and such other persons, not exceeding six in number, as the warden may designate.

Sec. 11. That section 29-2508, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2508. Whenever the ~~warden~~ Governor shall inflict the punishment of death upon a convict, in obedience to the command of the court, he shall make return of his proceedings as soon as may be to the clerk of the court where the conviction was had, and the clerk shall subjoin the return to the record of conviction and sentence.".

2. Renumber original sections 9 and 10 as sections 12 and 13 respectively.

3. On page 8, line 25 insert "sections 29-2504, 29-2506, and 29-2508, Reissue Revised Statutes of Nebraska, 1943, and" after "original".

Mr. Chambers requested a record vote:

Voting in the affirmative, 7:

Anderson Cavanaugh Chambers Fowler Kelly
Marsh Stahmer

Voting in the negative, 29:

Burbach C. Carsten Clark Dickinson Epke
Fellman Goodrich Hasebroock Johnson Kennedy
Keyes Kime Kremer F. Lewis Mahoney
Maresh Moylan Nore Proud Rasmussen
Richendifer Savage Simpson Skarda Snyder
Stromer Syas Whitney Wiltse

Not voting, 13:

Barnett Carpenter F. Carstens DeCamp Duis
R. Lewis Luedkte Marvel Murphy Schmit
Stull Waldron Warner

The amendments lost with 7 ayes, 29 nays and 13 not voting.

Mr. Carpenter offered the following amendment:

Add the severability clause.

The amendment lost with 22 ayes, 13 nays and 14 not voting.

Mr. Carpenter moved to reconsider action on his above amendment. The motion prevailed with 26 ayes, 11 nays and 12 not voting.

The Carpenter amendment was adopted with 27 ayes, 13 nays and 9 not voting.

Mr. Chambers moved to indefinitely postpone. The motion lost with 11 ayes, 26 nays and 12 not voting.

Advanced to E & R for Engrossment with 28 ayes, 8 nays and 13 not voting.

GENERAL FILE

LEGISLATIVE BILL 257. Laid over.

LEGISLATIVE BILL 114. Considered.

Standing Committee amendments found in the Journal on page 762 for the Forty-sixth Day were adopted.

Mr. Burbach offered the following amendment which was adopted:

On page 4 strike line 17 to 22; renumber subsection (4) as (3).

Mr. Carpenter offered the following amendment to the Standing Committee amendments:

1. In Standing Committee Amendment, page 1, lines 24 and 25 strike "twenty-five per cent of the first fifteen thousand dollars of the actual value", show the old matter as stricken and insert "one hundred twenty-five dollars of the assessed tax or the actual amount of tax whichever is lesser"; and on page 2, lines 1 and 2 strike "fifty per cent of the first fifteen thousand dollars of the actual value", show the old matter as stricken and insert "two hundred fifty dollars of the assessed tax or the actual amount of tax whichever is lesser".

Amendment pending.

Mr. Barnett offered the following amendment to the Standing Committee amendment which was adopted:

1. In standing committee amendments, page 1, line 21, insert "or of any veteran who died because of a service-connected disability" after "veteran".

Mr. Warner offered the following amendments:

1. Insert a new section 1 to read as follows:

"Section 1. That section 77-202.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-202.03. When real or tangible personal property, including motor vehicles, has been exempted from taxation as provided by sections 77-202.01 to 77-202.07, it shall continue to be exempt for a period of four years from January 1 of the year following adoption of sections 77-202.01 to 77-202.07; Provided, that each owner of real or tangible personal property, including motor vehicles, so exempt shall file an affidavit with the county assessor by January 1 of each intervening year certifying that the use of each exempted real or tangible personal property, including motor vehicles, has not changed during the year. On or before the expiration of such exemption, a new application shall be filed on which the procedure shall be the same as provided for other applications under the provisions of sections 77-202.01 to 77-202.07. If any person, corporation, or organization shall seek tax exemption for any real or tangible personal property, including motor vehicles, in any intervening year, he or it shall apply on or before September 1 of any such intervening year as provided in section 77-202.01 and procedure thereon shall be the same as provided for other applications under the provisions of sections 77-202.01 to 77-202.07, except that for the intervening year the exempt use shall be determined as of the date of levy, and the exemption shall continue for the same period and under the same conditions as if it had been granted on an application which had been filed before January 1, 1964, if such application is filed before January 1, 1968, or as if it had been granted on an application which had been filed in accordance with the second sentence of this section, on or before the expiration of an exemption previously granted, if such application is filed on or after January 1, 1968; Provided, that the county assessor and the county board may cause such exemption to be reviewed in any year to determine whether the exemption should be continued and may do so even if the use of the property has not changed from when a previous exemption may have been granted, such review shall proceed as per an application under section 77-202.02.".

2. Renumber original sections 1, 2, and 3 as sections 2, 3, and 4.

3. On page 3, line 5 after "original" insert "section 77-202.03, Reissue Revised Statutes of Nebraska, 1943, and"; and in line 6 strike "is" and insert "are".

Amendments pending.

Bracketed until Monday, April 9.

LEGISLATIVE BILL 332. Title read. Considered.

Standing Committee amendments found in the Journal on page 784 for the Forty-seventh Day were adopted.

Advanced to E & R for Review with 30 ayes, 0 nays and 19 not voting.

LEGISLATIVE BILL 397. Title read. Considered.

Standing Committee amendments found in the Journal on page 785 for the Forty-seventh Day were adopted.

Advanced to E & R for Review with 30 ayes, 0 nays and 19 not voting.

LEGISLATIVE BILL 414. Title read. Considered.

Standing Committee amendments found in the Journal on page 796 for the Forty-eighth Day were adopted.

Advanced to E & R for Review with 26 ayes, 1 nay and 22 not voting.

LEGISLATIVE BILL 482. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 496A. By Schmit, 23rd District.

A BILL FOR AN ACT to appropriate in addition to other appropriations fifteen thousand dollars from the Grain Alcohol Fuel Tax Fund for the period ending June 30, 1973 to the Legislative Council, Agency No. 3 for Program 516, Agricutlural Products Committee, to aid in carrying out the provisions of Legislative Bill 496, Eighty-third Legislature, First Session, 1973; and to declare an emergency.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 314. Indefinitely postponed.

LEGISLATIVE BILL 422. Placed on General File as amended.
Standing Committee amendments to LB 422:

1. On page 2, line 2 after "board" insert "of any state technical community college, educational service unit, or any educational program administered by the State Department of Education, the Department of Public Institutions, or any political subdivision of the state, shall require the sanction of a majority of the members of such governing board."; in line 2 strike "except the Board of"; strike lines 3 to 7; and in line 8 strike "board".

2. On page 3 add a new section as follows:

"Sec. 2. This act shall be construed as providing a minimum standard and not as repealing any law of a governing authority that provides for additional contract rights pertaining to the same subject matter.".

LEGISLATIVE BILL 533. Placed on General File as amended. Standing Committee amendments to LB 533:

1. On page 8, line 6 reinstate "(1)"; lines 8 and 9 reinstate "Except as provided in", after "~~subsections~~" insert "subsection (2)"; in lines 9 and 10 reinstate "of this section, each"; in line 10 strike the new matter; in line 11 strike "The initial members" and show as stricken; strike line 12 and show as stricken; in line 13 strike "appointed by the Governor." and insert "~~appointed by the Governor.~~ The board of each technical community college area shall continue to serve as the board of a newly-established area as provided in subsection (2) of this section."; in line 13 strike "initially appointed" and show as stricken; and after line 18 insert:

"(2) When any territory is added to a technical community college area the board of such technical community college area shall continue to serve as the board of the newly-established area until members are elected at the first state general election after the establishment of the area; Provided, that the Governor shall, in order to provide representation to any territory added to an established area, appoint additional members to the existing board. The Governor shall appoint such additional members as he determines necessary for adequate representation to such territory, but in no case shall he make less than one nor more than five appointments to such board. The members appointed by the Governor shall serve until the area board is elected pursuant to section 79-2620.".

2. On page 10, lines 26 and 27 strike "its appointment," and insert "~~its appointment,~~ new members are appointed".

(Signed) Jerome Warner, Chairman

Judiciary

LEGISLATIVE BILL 127. Placed on General File as amended. (Standing Committee amendments printed and available separate from the Journal).

(Signed) Roland A. Luedtke, Chairman

NOTICE OF COMMITTEE HEARING
Agriculture and Environment

LB 535 Thursday, April 12, 1973 8:00 a.m.

(Signed) Loran Schmit, Chairman

ANNOUNCEMENT

Mr. Warner announced an executive session of the Education Committee in Room 2227 at 12:00 Noon on Monday, April 9, 1973 and Tuesday, April 10, 1973.

VISITORS

Speaker Proud introduced 33 Junior and Senior students from Nebraska City High School, Nebraska City and Mr. Loyd Maskell, teacher.

ADJOURNMENT

At 3:58 p.m., on a motion by Mr. Whitney, the Legislature adjourned until 9:00 a.m., Thursday, April 5, 1973.

Vincent D. Brown
Clerk of the Legislature

SIXTY-THIRD DAY—APRIL 5, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

SIXTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 5, 1973

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Marsh presiding.

PRAYER

Prayer was offered by the Chaplain.

> If we have been guilty at times of looking backward in anger, or forward to revenge, forgive us, O Lord Our God.
>
> And if there have been monents when we have looked at one another in disgust or distrust, and have been selfish in motivation, and careless in action, forgive us.
>
> If, in the midst of the many things that happen in this Legislature, we tend to grow skeptical about Your presence here, no longer remembering that our work is really Your work, forgive us.
>
> In our finer moments, we know better. Help us to overcome those interludes of weakness when we know better than we do. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Murphy, Stahmer and Waldron who were excused; and Messrs. Cavanaugh and F. Lewis who were absent until 9:40 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixty-second Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 452. Replaced on Select File as amended.

E & R amendments to LB 452:

1. In the Burbach amendment 1, strike the interlined material and in line 2, insert ", not more than two of whom shall be from the same political party," after "nominees".

2. In the last line of the Carstens amendment, strike the first period and insert an underscored semicolon.

3. In the title, line 3, insert "to provide for a data processing division separate from the department;" after the semicolon.

4. On page 52, line 2, strike "A-87" and insert "A-95".

LEGISLATIVE BILL 364. Replaced on Select File as amended.
E & R amendments to LB 364:

1. In the Lewis amendment 7, line 2, insert "expiration of" after "(4)"; and in line 3, strike "expires and there has been a".

2. On page 9, line 19, strike "public power".

LEGISLATIVE BILL 145. Replaced on Select File as amended.
E & R amendment to LB 145:

1. On page 3, line 19, strike "as"; and strike ". Such plat" and insert "and".

LEGISLATIVE BILL 148. Replaced on Select File as amended.
E & R amendment to LB 148:

1. In the title, line 2, strike "section 79-403.02" and insert "sections 79-403.02 and 79-603"; at the end of line 5 insert "to provide for the dissolution of districts and the waiver thereof; to provide for certain expenses;"; and in line 6, strike "section" and insert "sections".

LEGISLATIVE BILL 193. Placed on Select File as amended.
E & R amendments to LB 193:

1. In the Cavanaugh amendment 6, line 1, strike "section" and insert "sections".

2. On page 11, line 6, strike "Where" and insert "When".

3, On page 14, line 4, insert an underscored comma after "(2)"; and in line 5, strike "in" and insert "of".

4. In the title, lines 6 and 7, strike "and change the method of determining"; in line 8, insert "and provide additional beneficiaries" after "provisions"; and in lines 9 and 10, strike "to provide an operative date;".

LEGISLATIVE BILL 180. Placed on Select File as amended.
E & R amendments to LB 180:

1. On page 2, lines 3 and 4 and lines 6 and 7 strike ", Revised Statutes Supplement, 1972,"; and in line 6 strike "under" and insert "by".

2. On page 3, strike lines 1 and 2 and insert "sections 81-501.01 to 81-541;"; in line 3 strike "The" and insert "If the" and strike ", if it".

3. Add a new section to read:

"Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

4. In the title, strike lines 2 and 3 and insert:
"FOR AN ACT to amend section 81-502, Revised Statutes Supplement, 1972, relating to the State Fire Marshal; to repeal the Life Safety Code; to provide for rules and regulations; to provide procedures; to repeal the original section; and to declare an emergency.".

LEGISLATIVE BILL 22. Placed on Select File as amended.
E & R amendments to LB 22:

1. In standing committee amendments, page 4, lines 5 and 10, insert an underscored comma after "first".

2. In the title, line 2, strike "3-504, 3-613," and insert "3-503, 3-504, 3-612, 3-613, 3-706,".

LEGISLATIVE BILL 94. Placed on Select File.

Correctly Enrolled

The following bills were correctly enrolled: 5, 25 and 425.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bills: 5, 25 and 425.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 250.

A BILL FOR AN ACT to amend section 84-1501, Reissue Revised Statutes of Nebraska, 1943, relating to the Public Employees Retirement

Board; to remove the Auditor of Public Accounts from the board; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, "Shall the bill pass?' "

Voting in the affirmative, 41:

Anderson	Barnett	Burbach	C. Carsten	Chambers
Clark	DeCamp	Dickinson	Duis	Epke
Fellman	Fowler	Goodrich	Johnson	Kelly
Kennedy	Keyes	Kime	Kremer	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Marvel
Moylan	Nore	Proud	Rasmussen	Richendifer
Savage	Schmit	Simpson	Skarda	Snyder
Stromer	Stull	Syas	Warner	Whitney
Wiltse				

Voting in the negative, 0.

Not voting, 8:

Carpenter	F. Carstens	Cavanaugh	Hasebroock	F. Lewis
Murphy	Stahmer	Waldron		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 281. With Emergency.

A BILL FOR AN ACT to amend section 71-2045.06, Revised Statutes Supplement, 1972, relating to public health and welfare; to eliminate a restriction on expenditures; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
Chambers	Clark	DeCamp	Dickinson	Duis
Epke	Fellman	Fowler	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kime
Kremer	R. Lewis	Luedtke	Mahoney	Maresh
Marsh	Marvel	Moylan	Nore	Proud

Rasmussen Richendifer Savage Schmit Simpson
Skarda Snyder Stromer Stull Syas
Warner Whitney Wiltse

Voting in the negative, 0.

Not voting, 6:

F. Carstens Cavanaugh F. Lewis Murphy Stahmer
Waldron

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 282.

A BILL FOR AN ACT relating to the Nebraska Hall of Fame Commission; to create a trust fund.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Anderson Barnett Burbach Carpenter C. Carsten
Chambers Clark DeCamp Dickinson Duis
Epke Fellman Fowler Goodrich Hasebroock
Johnson Kelly Kennedy Keyes Kime
Kremer R. Lewis Luedtke Mahoney Maresh
Marsh Marvel Moylan Nore Proud
Rasmussen Richendifer Savage Schmit Simpson
Skarda Snyder Stromer Stull Syas
Warner Whitney Wiltse

Voting in the negative, 0.

Not voting, 6:

F. Carstens Cavanaugh F. Lewis Murphy Stahmer
Waldron

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 309.

A BILL FOR AN ACT to amend sections 44-403, 44-404, 44-407.08, and 44-407.09, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to establish standards of valuation, mortality tables, interest rates and reserves required; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Anderson Barnett Burbach Carpenter C. Carsten
F. Carstens Chambers Clark DeCamp Dickinson
Duis Epke Fellman Fowler Goodrich
Hasebroock Johnson Kelly Kennedy Keyes
Kime Kremer R. Lewis Luedtke Mahoney
Maresh Marsh Marvel Moylan Nore
Proud Rasmussen Richendifer Savage Schmit
Simpson Skarda Snyder Stromer Stull
Syas Warner Whitney Wiltse

Voting in the negative, 0.

Not voting, 5:

Cavanaugh F. Lewis Murphy Stahmer Waldron

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION—Suspend Rules

Speaker Proud moved to suspend the rules to take up the Final Reading bills set for tomorrow. The motion prevailed with 34 ayes, 3 nays and 12 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 384.

A BILL FOR AN ACT to amend section 60-301, Revised Statutes Supplement, 1972, relating to motor vehicle registration; to change the definition of farm trailer; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Barnett Burbach Carpenter C. Carsten F. Carstens
Chambers Clark DeCamp Dickinson Duis
Epke Fellman Fowler Goodrich Hasebroock
Johnson Kelly Kennedy Keyes Kime
Kremer R. Lewis Luedtke Mahoney Maresh
Marsh Marvel Moylan Nore Proud
Rasmussen Richendifer Savage Schmit Simpson
Skarda Snyder Stromer Stull Syas
Warner Whitney Wiltse

Voting in the negative, 0.

Not voting, 6:

Anderson Cavanaugh F. Lewis Murphy Stahmer
Waldron

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 412. With Emergency.

A BILL FOR AN ACT relating to schools; to provide for meetings of Class VI district boards and publication of proceedings as prescribed; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 37:

Anderson Barnett Burbach C. Carsten Chambers
Clark DeCamp Dickinson Duis Fellman
Fowler Goodrich Hasebroock Johnson Kelly
Kennedy Kremer R. Lewis Luedtke Mahoney
Maresh Marsh Marvel Moylan Nore
Proud Rasmussen Richendifer Savage Schmit
Simpson Skarda Stromer Stull Syas
Warner Wiltse

Voting in the negative, 3:

F. Carstens Snyder Whitney

Not voting, 9:

Carpenter
Cavanaugh
Epke
Keyes
Kime
F. Lewis
Murphy
Stahmer
Waldron

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 417.

A BILL FOR AN ACT to amend sections 39-764 and 60-506, Reissue Revised Statutes of Nebraska, 1943, section 60-505, Reissue Revised Statutes of Nebraska, 1943, as amended by section 10, Legislative Bill 224, Eighty-third Legislature, First Session, 1973, and section 60-507, Revised Statutes Supplement, 1972, relating to financial responsibility; to provide a penalty; to increase the amount of property damage to require report of an accident and proof of financial responsibility; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Anderson
Barnett
Burbach
C. Carsten
F. Carstens
Cavanaugh
Clark
DeCamp
Dickinson
Duis
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Keyes
Kime
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Nore
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Snyder
Stromer
Stull
Syas
Warner
Wiltse

Voting in the negative, 1:

Whitney

Not voting, 7:

Carpenter
Chambers
Epke
Kennedy
Murphy
Stahmer
Waldron

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 429. With Emergency.

A BILL FOR AN ACT to amend section 79-439, Revised Statutes Supplement, 1972, relating to schools; to provide for school board meetings as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Anderson
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Clark
DeCamp
Dickinson
Duis
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kremer
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Nore
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Snyder
Stromer
Stull
Syas
Warner
Whitney
Wiltse

Voting in the negative, 1:

Barnett

Not voting, 7:

Chambers
Epke
Kime
F. Lewis
Murphy
Stahmer
Waldron

A constitution two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 430. With Emergency.

A BILL FOR AN ACT to amend section 79-501, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide for annual meetings as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Anderson
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Clark
DeCamp
Dickinson
Duis
Epke
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Kremer
F. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Nore
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Snyder
Stromer
Stull
Syas
Warner
Whitney
Wiltse

Voting in the negative, 1:

Barnett

Not voting, 5:

Chambers
R. Lewis
Murphy
Stahmer
Waldron

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 441.

A BILL FOR AN ACT to adopt the One Bank Holding Company Act of 1973.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Clark
DeCamp
Dickinson
Duis
Epke
Fellman
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Kime
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Nore
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Snyder
Stromer
Stull
Syas
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 6:

Chambers
Fowler
Keyes
Murphy
Stahmer
Waldron

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 457.

A BILL FOR AN ACT to amend section 60-1703, Revised Statutes Supplement, 1972, relating to motor vheicle inspection stations; to eliminate the requirement for property insurance or bond coverage; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Clark
DeCamp
Dickinson
Duis
Epke
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Moylan
Nore
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Snyder
Stromer
Stull
Syas
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 7:

Chambers
Fellman
Kime
Marvel
Murphy
Stahmer
Waldron

A constiutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

EASE

The Legislature was at ease from 9:55 a.m. to 10:05 a.m.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 182. With Emergency.

A BILL FOR AN ACT relating to swine; to provide for the eradication of brucellosis in swine as prescribed; to define terms; to provide for herd validation; to provide for testing; to provide for quarantine; to provide for identification; to provide for penalties; to provide severability; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	Clark	DeCamp
Dickinson	Epke	Fellman	Fowler	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kremer	R. Lewis	Luedtke	Maresh	Marsh
Marvel	Moylan	Nore	Proud	Rasmussen
Richendifer	Savage	Schmit	Simpson	Skarda
Snyder	Stromer	Stull	Syas	Warner
Whitney	Wiltse			

Voting in the negative, 0.

Not voting, 7:

Duis	Kime	F. Lewis	Mahoney	Murphy
Stahmer	Waldron			

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 182A.

A BILL FOR AN ACT to appropriate ninety-one thousand seven hundred seven dollars from the state General Fund for the period of July 1, 1973 to June 30, 1974 to the Department of Agriculture, Agency No. 18 for Program 63, Enforcement of Standards, Animal Industry, to aid in carrying out the provisions of Legislative Bill 182, Eighty-third Legislature, First Session, 1973.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Anderson	Barnett	Burbach	Carpenter	C. Carsten

F. Carstens Cavanaugh Chambers Clark DeCamp
Dickinson Epke Fellman Fowler Goodrich
Hasebroock Johnson Kelly Kennedy Keyes
Kremer F. Lewis R. Lewis Luedtke Maresh
Marsh Marvel Moylan Nore Proud
Rasmussen Richendifer Savage Schmit Simpson
Skarda Snyder Stromer Stull Syas
Warner Whitney Wiltse

Voting in the negative, 0.

Not voting, 6:

Duis Kime Mahoney Murphy Stahmer
Waldron

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 324.

A BILL FOR AN ACT to amend section 39-2113, Revised Statutes Supplement, 1972, relating to functional classification; to provide that the Department of Roads may request the board to relax the standards on any segment of highway that is not hard-surfaced; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Anderson Barnett Burbach Carpenter C. Carsten
F. Carstens Cavanaugh Chambers Clark DeCamp
Epke Fellman Fowler Goodrich Hasebroock
Johnson Kelly Kennedy Keyes Kime
Kremer R. Lewis Luedtke Mahoney Maresh
Marsh Moylan Nore Proud Rasmussen
Richendifer Savage Schmit Simpson Skarda
Snyder Stromer Stull Syas Warner
Whitney Wiltse

Voting in the negative, 0.

Not voting, 7:

Dickinson Duis F. Lewis Marvel Murphy
Stahmer Waldron

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 344.

A BILL FOR AN ACT relating to notice; to require notice as prescribed before any political subdivision or special taxing district is formed or special assessment imposed except as prescribed.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
Cavanaugh
Clark
DeCamp
Epke
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Nore
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Snyder
Stromer
Stull
Syas
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 7:

F. Carstens
Chambers
Dickinson
Duis
Murphy
Stahmer
Waldron

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 346.

A BILL FOR AN ACT to amend Article II, paragraph (b), of the Midwest Nuclear Compact; to clarify language; and to repeal the original paragraph.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Anderson
Barnett
Burbach
Carpenter
F. Carstens
Cavanaugh
Clark
DeCamp
Dickinson
Duis

Epke Fellman Fowler Goodrich Hasebroock
Johnson Kelly Kennedy Keyes Kime
Kremer F. Lewis R. Lewis Luedtke Mahoney
Maresh Marsh Marvel Moylan Nore
Proud Rasmussen Richendifer Savage Schmit
Simpson Skarda Snyder Stromer Stull
Syas Warner Whitney Wiltse

Voting in the negative, 0.

Not voting, 5:

C. Carsten Chambers Murphy Stahmer Waldron

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 463.

A BILL FOR AN ACT relating to the rules of the road; to provide that the Director-State Engineer may authorize certain weights on the National System of Interstate and Defense Highways as prescribed.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Anderson Barnett Burbach Carpenter F. Carstens
Cavanaugh Clark DeCamp Dickinson Duis
Epke Fellman Fowler Goodrich Hasebroock
Johnson Kelly Kennedy Keyes Kime
Kremer F. Lewis R. Lewis Luedtke Mahoney
Maresh Marsh Marvel Moylan Nore
Proud Rasmussen Richendifer Savage Schmit
Simpson Skarda Snyder Stromer Stull
Syas Warner Whitney Wiltse

Voting in the negative, 0.

Not voting, 5:

C. Carsten Chambers Murphy Stahmer Waldron

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 489. With Emergency.

A BILL FOR AN ACT to amend section 60-305.03, Reissue Revised Statutes of Nebraska, 1943, relating to nonresident owners of trucks and buses; to provide that the Department of Roads shall act as agent for the Department of Motor Vehicles in collecting fees as prescribed; to provide an operative date; and to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Clark	DeCamp	Dickinson
Duis	Epke	Fellman	Fowler	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Kremer	F. Lewis	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Moylan
Nore	Proud	Rasmussen	Richendifer	Savage
Schmit	Simpson	Skarda	Snyder	Stromer
Stull	Syas	Warner	Whitney	Wiltse

Voting in the negative, 0.

Not voting, 4:

Chambers	Murphy	Stahmer	Waldron

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 523. With Emergency.

A BILL FOR AN ACT to appropriate two hundred ten thousand two hundred ninety-seven dollars from the state General Fund for the period ending June 30, 1973 to the Department of Revenue, Agency No. 16, for Program 108, Homestead Exemptions; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Clark	DeCamp	Dickinson

Duis
Epke
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Nore
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Snyder
Stromer
Stull
Syas
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 4:

Chambers
Murphy
Stahmer
Waldron

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

UNANIMOUS CONSENT—Members Excused

Messrs. Anderson and Skarda asked unanimous consent to be excused Friday, April 6th. No objections. So ordered.

UNANIMOUS CONSENT—Expedite LB 179

Mr. Carpenter asked unanimous consent to expedite LB 179. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 43. Mr. Stull offered the following amendments which were adopted with 28 ayes, 0 nays and 21 not voting:

1. In lieu of the Stull amendment adopted 4/3/73, in standing committee amendment 1, line 3, insert "other than the district in which he resided at the time he became a ward" after "district".
2. On page 2, strike beginning with "are" in line 16 through the second "or" in line 18 and show the same as stricken.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 43A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 280. E & R amendment found in the Journal on page 1091 for the Sixty-second Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 110. E & R amendments found in the Journal on page 1091 for the Sixty-second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 68A. E & R amendments found in the Journal on page 1091 for the Sixty-second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 73. E & R amendments found in the Journal on page 1091 for the Sixty-second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 17. E & R amendments found in the Journal on page 1092 for the Sixty-second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 406. E & R amendment found in the Journal on page 1093 for the Sixty-second Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 357. E & R amendments found in the Journal on page 1093 for the Sixty-second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 265. E & R amendments found in the Journal on page 1093 for the Sixty-second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 36. E & R amendments found in the Journal on page 1093 for the Sixty-second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 258. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 319. E & R amendments found in the Journal on page 1094 for the Sixty-second Day were adopted.

Mr. Richendfier offered the following amendment:

1. On page 2, line 10, after "of" strike the remainder of line 10, line 11, and line 12 to the period, strike the standing Committee amendments thereto, and strike the general file amendments thereto, and in lieu thereof insert the following:

> "seventy-five cents per abstract. Fifty percent of the fee on abstracts shall be deposited in the Drivers' License Abstracts Computerization Fund, which is hereby created. Such fund shall be used to develop and operate a system of utilizing a computer to store and print out such ~~abstracts.~~"

Amendment pending.

Laid over at the request of Mr. Goodrich.

LEGISLATIVE BILL 443. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 207. E & R amendments found in the Journal on page 1094 for the Sixty-second Day were adopted.

Mr. Barnett renewed his pending amendment found in the Journal on page 1027 for the Fifty-ninth Day. The amendment was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 290. E & R amendments found in the Journal on page 1095 for the Sixty-second Day were adopted.

Mr. Carpenter offered the following amendment which was adopted with 25 ayes, 0 nays and 24 not voting:

Add the emergency clause.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Print in Journal

Mr. Stromer asked unanimous consent to have the following amendments to LB 414 printed in the Journal. No objections. So ordered.

1. On pages 2 and 3 of the bill strike all of section 1.
2. On page 4 of the bill strike amendment section 2 as amended by the committee amendment.

3. Strike committee amendment number 5 and renumber amended section 3 as section 1.

4. On page 5 of the bill in lines 17 and 18 strike the committee amendment and insert: "driver's education and training course consisting of at least eight hours of instruction approved by the Department of Motor Vehicles. Such instruction must be successfully completed before the privilege to operate a motor vehicle may be reinstated. Each person who attends such instruction shall pay the cost of such course"; and strike the rest of line 18.

MOTION—Introduce Bill

Mr. Whitney moved the introduction of a new bill by the Committee on Nebraska Retirement Systems (Request No. 447). The motion prevailed with 32 ayes, 0 nays and 17 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 573. By Nebraska Retirement Systems Committee: Whitney, 44th District, Chairman; F. Lewis, 45th District; Luedtke, 28th District; Hasebroock, 18th District; Goodrich, 20th District.

A BILL FOR AN ACT relating to retirement; to provide for the transfer of certain employee accounts from county systems to the State Employees Retirement System; to provide an operative date; and to declare an emergency.

RESOLUTION

LEGISLATIVE RESOLUTION 29.

Introduced by Stull, 49th District; Syas, 13th District.

WHEREAS, Miss Mary Daxon will celebrate her one hundredth birthday on April 14, 1973; and

WHEREAS, Miss Mary Daxon was a pioneer in the early 1900's under the Kincaid Homestead Act in the sandhills region of western Nebraska, and has been a continuous resident of Nebraska since 1890; and

WHEREAS, Miss Mary Daxon has steadfastness and courage with pride.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION

1. That we congratulate Miss Mary Daxon on her one hundredth birthday on April 14, 1973.

Laid over.

REFERENCE COMMITTEE REPORT

LB	Committee
573	Nebraska Retirement Systems

(Signed) Terry Carpenter, Chairman
Executive Board

MOTION—Place LB 66 on General File

Mr. Barnett renewed his pending motion found in the Journal on page 1012 for the Fifty-ninth Day to place LB 66 on General File notwithstanding the committee action. The motion prevailed with 25 ayes, 9 nays and 15 not voting.

NOTICE OF COMMITTEE HEARINGS

Education

LB 532	Wednesday, April 11, 1973	6:30 p.m.
LB 570	Wednesday, April 11, 1973	6:30 p.m.
LB 571	Wednesday, April 11, 1973	6:30 p.m.

East Chamber

(Signed) Jerome Warner, Chairman

SELECT COMMITTEE REPORT

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 254, 381, 405 and 431.

(Signed) John J. Cavanaugh, Chairman

MOTION—Adjournment

Mr. Carpenter moved that when we adjourn today, we adjourn until 10:00 a.m., Monday, April 9.

Mr. Savage moved for a Call of the House. The motion prevailed with 27 ayes, 9 nays and 13 not voting.

Mr. Savage moved the Call be raised. The motion prevailed with 31 ayes, 0 nays and 18 not voting.

The Carpenter motion prevailed with 27 ayes, 16 nays and 6 not voting.

GENERAL FILE

LEGISLATIVE BILL 319A. Title read. Considered.

Mr. Richendifer moved to advance LB 319A to Enrollment and Review for Review.

Mr. Richendifer moved for a Call of the House. The motion prevailed with 22 ayes, 0 nays and 27 not voting.

Mr. Warner moved to raise the Call. The motion prevailed with 26 ayes, 1 nay and 22 not voting.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

STANDING COMMITTEE REPORTS

Nebraska Retirement Systems

LEGISLATIVE BILL 445. Placed on General File as amended.
Standing Committee amendments to LB 445:

1. Strike section 1 and insert:

"Section 1. That section 79-1522, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1522. (1) Upon retirement under the provisions of sections 79-1520 and 79-1521, if he has five or more years of creditable service, a member or emeritus member shall receive a school retirement allowance which shall consist of the sum of: (a) A savings annuity which shall be the actuarial equivalent, as determined by the retirement board, of the member's accumulated contributions at the time of his retirement, or, in the case of an emeritus member, the savings annuity fixed by the retirement board at the time of his original retirement; and (b) a service annuity to be paid by the State of Nebraska. The amount of any individual service annuity for a full-time school employee or emeritus member shall be ~~one and one-half dollars per month for each year of service prior to July 1, 1968~~, ~~except that the amount of any individual service annuity for a full-time school employee or emeritus member who retired on or before January 1, 1955, and not then~~

~~eligible for social security benefits, shall be two dollars and twenty-five cents per month for each year of service. The amount of any individual service annuity for a full-time school employee shall be three dollars per month for each year of service thereafter.~~ three dollars per month for each year of service commencing with his retirement on or after July 1, 1973. Each school employee or emeritus member who retired before July 1, 1973 and who is receiving a service annuity as of that date shall have such service annuity increased to equal three dollars monthly annuity per year of service, based on the same number of years of service that is currently being used to determine his service annuity. Such increased service annuity shall commence on July 1, 1973.

(2) Under such rules and regulations as the board may prescribe, an employee, upon becoming a member, may receive credit for not to exceed ten years of creditable teaching service rendered in public schools in another state if such member shall have paid into the school retirement system of the State of Nebraska an amount equal to the required deposits he would have paid had he been employed in this state, with such required deposits to be paid as the board may direct within three years after membership in the retirement system begins.

(3) A member who retires as a school employee of this state shall not receive credit for time in service outside of this state in excess of the time he has been in service as a school employee in this state. In order to receive such out of state credit such member must be employed as a school employee in this state at the time of his retirement.

(4) For a beneficiary who is employed as a public school substitute employee for more than ninety days in any school year the state service annuity shall be reduced by fifty per cent; Provided, a person receiving a retirement benefit may waive the payments and return to regular employment in a public school of this state if the beneficiary shall notify the retirement board in advance of the time and place of such employment. This notice shall be in writing upon forms prescribed by the retirement board. Any person collecting retirement payments without filing such notice shall be subject to a withholding of future retirement benefits equal to twice the amount collected after being regularly employed. The amount of individual service annuity for a part-time employee shall be determined on a proportional basis.

Sec. 2. That original section 79-1522, Reissue Revised Statutes of Nebraska, 1943, is repealed.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

(Signed) Ramey C. Whitney, Chairman

UNANIMOUS CONSENT—Member Excused

Mr. F. Carstens asked unanimous consent to be excused this afternoon. No objections. So ordered.

VISITORS

President Marsh introduced 27 Fourth Grade students and their teacher, Mrs. Sally Primrose from Peter Sarpy School, Bellevue.

President Marsh introduced 23 Fourth Grade students and their teacher Reta Donahoo from Norris Elementary School, Millard.

President Marsh introduced 16 F. F. A. students and their teacher, W. J. O'Hara; sponsor, Mrs. Jim Broocks, from Republic Valley High School, Indianola.

President Marsh introduced 17 Third Grade students and teacher, Miss Norma Nelson from Norwood Park School, Lincoln.

President Marsh introduced 54 Sixth Grade students and their teachers, Mesdames Chapman and Milne from Central School, Fairbury.

President Marsh introduced 23 Kindergarten students and teacher, Mrs. Hieter from Kahoa School, Lincoln.

President Marsh introduced 33 Fifth and Sixth Grade students and teachers, Mesdames Spatz and Powell, Maude Rousseau School, Lincoln.

President Marsh introduced 27 Fourth Grade students and teacher, Mrs. Terry Woodman from Peter Sarpy School, Bellevue.

RECESS

At 11:47 a.m., on a motion by Mr. Snyder, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:00 p.m., Speaker Proud presiding.

The roll was called and all members were present except Messrs. Stahmer and Waldron who were excused; Members of the Miscellaneous Subjects Committee and Labor Committee, who were excused for a short time; Mr. Chambers, who was absent until 3:00 p.m.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 207. Replaced on Select File as amended.
E & R amendments to LB 207:

1. Insert the new paragraph added by the Barnett amendment as section 8; and in line 1 thereof strike "(4)".
2. Renumber original section 8 as section 9.
3. In the title, line 6, insert "to provide interpretation;" after the semicolon.

LEGISLATIVE BILL 413. Replaced on Select File as amended.
E & R amendments to LB 413:

1. In line 1 of E & R 3, strike the first "4" and insert "2".
2. In line 4 of E & R 4, insert "a" before "vice".

LEGISLATIVE BILL 179. Placed on Select File as amended.
E & R amendments to LB 179:

1. Insert the Carpenter amendment to page 2, line 5, immediately after "board".
2. On page 9, line 14, strike ". Subject" and insert ", and subject".
3. Renumber sections 3 and 4 as sections 2 and 3.
4. In the title, line 3, strike "either or both of"; and strike line 5 and "Nebraska" in line 6.

LEGISLATIVE BILL 415. Placed on Select File as amended.
E & R amendments to LB 415:

1. In lieu of the Maresh amendment, on page 5, strike the new matter in line 17; and in line 23, insert "or used occasionally to carry camper units" after the second comma.
2. For correlation purposes, on page 2, line 2, page 7, line 9, and in the title, line 3, insert ", as amended by section 1, Legislative Bill 384, Eighty-third Legislature, First Session, 1973" after "1972"; and on page 6, line 24, insert ", but farm trailer shall not include a trailer so used when attached to a farm tractor" after "X".

LEGISLATIVE BILL 378A. Placed on Select File as amended.

E & R amendments to LB 378A:

1. In line 2 of the Rasmussen amendment insert "are also appropriated" after "period".

2. On page 2, line 12, strike "General Fund" and insert "proper fund".

3. In the title, line 5, insert "and also all receipts of such fund" after "Fund".

LEGISLATIVE BILL 110A. Placed on Select File as amended.
E & R amendment to LB 110A:

1. In the title, line 4, strike "of July 1, 1973 to" and insert "ending"; and in line 8 insert "; and to declare an emergency" after "1973".

LEGISLATIVE BILL 280A. Placed on Select File.

LEGISLATIVE BILL 254A. Placed on Select File.

LEGISLATIVE BILL 235A. Placed on Select File as amended.
E & R amendment to LB 235A:

1. On page 2, line 13, strike "sum" and insert "sums"; and in line 15, strike "General Fund" and insert "proper funds".

LEGISLATIVE BILL 332. Placed on Select File as amended.
E & R amendments to LB 332:

1. On page 2, line 24, strike "would" and insert "may".

2. On page 5, line 7, insert "such" after the comma; and in line 24 strike "statute" and insert "law".

3. On page 6, line 27, insert "the" after "for" and strike "as" and insert "if".

LEGISLATIVE BILL 397. Placed on Select File as amended.
E & R amendments to LB 397:

1. In new section 3, line 15, strike "therein" and insert "in such sections"; in line 17, insert "that" after "determines"; in line 28, insert "from" before "applying".

2. In the title, line 5, strike "bond" and insert "security" and after the semicolon insert "to provide an operative date;".

LEGISLATIVE BILL 414. Placed on Select File as amended.
E & R amendments to LB 414:

1. In standing committee amendment 1, line 5, strike the comma and insert ". The cost of"; in line 8

strike the colon; and in line 9 strike "(a) Has" and insert "has" and remove paragraphing.

2. On page 4, line 22, strike "training and educational sessions" and insert "course"; and in line 25 strike "sessions" and insert "course".

3. On page 5, line 18, strike "under section 2 of this act".

4. In the title, line 3, strike "courses of approved"; strike line 4 and insert "defensive driver courses; to"; and in lines 5 and 6 strike "to provide for enforcement;".

LEGISLATIVE BILL 482. Placed on Select File as amended.
E & R amendment to LB 482:

1. On page 2, line 14, strike the comma and show the same as stricken.

(Signed) John J. Cavanaugh, Chairman

INVITATION

Mr. Rasmussen invited the members to St. Paul, Nebraska on Saturday, April 7, for free beef and pork.

UNANIMOUS CONSENT—Change of Order

Mr. Richendifer asked unanimous consent to revert to LB 319 on Select File. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 319. The Richendifer amendment found in this day's Journal was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 496A. Title read. Considered.

Mr. Schmit offered the following amendment which was adopted:

1. On page 2, line 3 strike "Grain" and insert "Agricultural"; strike lines 6 and 7 and insert "for personal services.".

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 402. Title read. Considered.

Standing Committee amendments found in the Journal on page 806 for the Forty-ninth Day were adopted.

Advanced to E & R for Review with 28 ayes, 2 nays and 19 not voting.

LEGISLATIVE BILL 408. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 511. Title read. Considered.

Standing Committee amendment found in the Journal on page 800 for the Forty-eighth Day was adopted.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 244. Title read. Considered.

Standing Committee amendment found in the Journal on page 820 for the Forty-ninth Day was adopted.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 491. Title read. Considered.

Standing Committee amendments found in the Journal on page 827 for the Fiftieth Day were adopted.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 312. Bracketed until Tuesday, April 10, at the request of Mr. F. Carstens.

LEGISLATIVE BILL 455. Title read. Considered.

Standing Committee amendment found in the Journal on page 834 for the Fiftieth Day was adopted.

Advanced to E & R for Review with 25 ayes, 1 nay and 23 not voting.

LEGISLATIVE BILL 389. Bracketed on General File with LB 104 at the request of Mr. Hasebroock.

LEGISLATIVE BILL 501. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

PRESIDENT MARSH PRESIDING

LEGISLATIVE BILL 504. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 226. Title read. Considered.

Mr. Cavanaugh offered the following amendment to the Standing Committee amendment which was adopted:

Amend the Standing Committee amendment page 5, by striking line 17.

Mr. Whitney offered the following amendments which were adopted:

1. On page 14, reinstate the stricken matter in lines 14, 15, and 16, and in line 15, strike "county judges and" and show the same as stricken.
2. On page 14, reinstate the stricken matter in lines 24 and 25, and in line 24, strike "county judges and" and show the same as stricken.
3. Insert a new section to read as follows:

"Sec. 8. That section 24-703.01, Revised Statutes Supplement, 1972, be amended to read as follows:

24-703.01 Municipalities shall remit to the Director of the Public Employees Retirement Board each month a sum equal to the amount any judge whose salary is paid by any municipality contributes to the Nebraska Retirement Fund for Judges; Provided, in the event such remittance would amount to less than twenty-five dollars per month, such ~~county or~~ municipality may remit quarterly. The amount so received shall be transmitted to the state treasury, and by the State Treasurer placed in the Nebraska Retirement Fund for Judges, as provided in subsection (4) of section 24-703.".

4. On page 20, line 4, insert "24-703.01," after the sixth comma; and in line 6, strike "sections 24-703.01 and" and insert "section".
5. Renumber original sections 8 to 14 as sections 9 to 15.

Standing Committee amendments referred to in the Journal on page 855 for the Fifty-first Day were adopted as amended.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 374. Title read. Considered.

Standing Committee amendments found in the Journal on page 855 for the Fifty-first Day were adopted.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 220. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 3 nays and 20 not voting.

LEGISLATIVE BILL 343. Laid over.

LEGISLATIVE BILL 498. Title read. Considered.

Standing Committee amendment found in the Journal on page 869 for the Fifty-second Day was rejected.

Mr. Whitney offered the following amendments which were adopted:

1. On page 2, line 20, strike "making contibutions to" and show as stricken and insert "eligible for membership under"
2. On page 2, line 21, insert ", except that those persons so eligible and who as of the effective date of this act, are contibuting to the State Employees Retirement System shall continue as members of such system" after "Nebraska".

Advanced to E & R for Review with 34 ayes, 0 nays and 15 not voting.

MR. WHITNEY PRESIDING

LEGISLATIVE BILL 306. Title read. Considered.

Mr. Carpenter offered the following amendment which was adopted:

Page 5 line 25 after "history." insert "and proceedings of the regular meeting of the Legislature."

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 307. Title read. Considered.

Standing Committee amendments found in the Journal on page 869 for the Fifty-second Day were adopted.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 370. Laid over temporarily.

LEGISLATIVE BILL 399. Laid over.

PRESIDENT MARSH PRESIDING

LEGISLATIVE BILL 475. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 223. Bracketed at the request of Mr. Kennedy.

NOTICE OF COMMITTEE HEARING
Miscellaneous Subjects

LB 545 Thursday, April 12, 1973 1:00 p.m.

(Signed) John J. Cavanaugh, Vice-Chairman

ADJOURNMENT

At 3:55 p.m., on a motion by Speaker Proud, the Legislature adjourned until 10:00 a.m., Monday, April 9, 1973.

Vincent D. Brown
Clerk of the Legislature

SIXTY-FOURTH DAY—APRIL 9, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

SIXTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 9, 1973

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Marsh presiding.

PRAYER

Prayer was offered by the Chaplain.

> For continuing health of body, that we may pursue our work here without interruption;
>
> For the understanding that our work is important, and that it may be serving purposes which are much larger than we are;
>
> For the sense of humor which helps us to take neither our critics nor ourselves any more seriously than we should;
>
> For the spirit of harmony which surfaces in this Legislature frequently enough to reveal a Family solidarity greater than our local rivalries;
>
> For courage to believe that goodness is always more to be desired than greatness, and the courage to act as if we believe that goodness is always measured in terms of service to others;
>
> For these blessings we give thanks at the beginning of another week;
>
> And for a continuation of such blessings we sincerely pray, O Lord our God. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Keyes, F. Lewis, Skarda, Syas and Waldron who were excused; Messrs. Fellman and Stahmer who were excused until they arrive; Mr. Chambers who was absent.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixty-third Day was approved.

MESSAGE FROM THE GOVERNOR

April 2, 1973

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment requiring legislative confirmation:

> Walter R. Louis, 118 South Elmwood Road, Omaha – to the Motor Vehicle Industry Licensing Board to replace Michael F. Wheeler, resigned, term expiring May 18, 1973

I respectfully submit this appointment for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

ATTORNEY GENERAL OPINIONS

Opinion No. 37
April 9, 1973

Senator David H. Stahmer
Nebraska State Legislature
State Capitol
Lincoln, Nebraska

Dear Senator:

You have asked for an opinion as to the constitutionality of Senator Barnett's amendment to L. B. 207. You also indicate that you are concerned that the amendment, if passed, might deprive children of life-saving medical treatment.

The amendment which was apparently prepared for Senator Barnett by a representative of Christian Science Committee on Publication for Nebraska, is as follows:

> "(4) No child who in good faith is being provided with treatment by spiritual means alone through prayer in accordance

> with the tenets and practice of a recognized church or religious denomination shall, for that reason alone, be deemed to be endangered under any provision of this Act."

It is our opinion that the constitutionality of the amendment, if enacted, would be very doubtful.

No case directly on point was found. Though it is true religious beliefs cannot be interfered with by the state, certain practices of these beliefs must succumb to the inherent power of a state to protect the health and welfare of its citizens. This is particularly true in the case of children and incompetent individuals. The state, as parens patriae, may restrict the rights of parents as well as rights of religion in order to perform its inherent sovereign duty to protect those not capable of protecting themselves. It must be kept in mind that the purpose of the rule of parens patriae is not to interfere with the religious belief but is rather designed to interfere with certain religious practices if these practices interfere with the health and welfare of children or anyone else for that matter.

The constitutional provisions in regard to religion are the First Amendment of the United States Constitution and Article I, Section 4, of the Nebraska Constitution. The former is as follows:

> "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; . . ."

The Nebraska constitutional provision is:

> "All persons have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences. No person shall be compelled to attend, erect or support any place of worship against his consent, and no preference shall be given by law to any religious society, nor shall any interference with the rights of conscience be permitted. No religious test shall be required as a qualification for office, nor shall any person be incompetent to be a witness on account of his religious beliefs; but nothing herein shall be construed to dispense with oaths and affirmations. Religion, morality, and knowledge, however, being essential to good government, it shall be the duty of the Legislature to pass suitable laws to protect every religious denomination in the peaceable enjoyment of its own mode of public worship, and to encourage schools and the means of instruction."

In 1878 the United States Supreme Court decided for the first time that the freedom of religion clause guaranteed freedom of religious belief, but not necessarily freedom of religious practice. In Reynolds v. United States, 98 U. S. 145, 25 L. Ed. 244(1878), Reynolds was a member of the Church of Jesus Christ of Latter-Day Saints, commonly called the Mormon

Church. One of the doctrines of his faith required him to practice polygamy when circumstances permitted and if he neglected to so practice the penalty would be "damnation in the life to come." Congress had passed a law which had prohibited polygamous marriages. (Nebraska has a similar law in Section 28-903, R. R. S 1943.) Reynolds was convicted and on appeal to the United States Supreme Court he defended his action on the ground that it was his absolute religious belief and duty to have two wives. This is what the Court said:

> ". . . Laws are made for the government of actions, and while they cannot interfere with mere religious belief and opinions, they may with practices. Suppose one believed that human sacrifices were a necessary part of religious worship, would it be seriously contended that the civil government under which he lived could not interfere to prevent a sacrifice? Or if a wife religiously believed it was her duty to burn herself upon the funeral pile of her dead husband, would it be beyond the power of the civil government to prevent her carrying her belief into practice?
>
> "So here, as a law of the organization of society under the exclusive dominion of the United States, it is provided that plural marriages shall not be allowed. Can a man excuse his practices to the contrary because of his religious belief? To permit this would be to make the professed doctrines of religious belief superior to the law of the land, and in effect to permit every citizen to become a law unto himself. Government could exist only in name under such circumstances."

In Prince v. Commonwealth of Massachusetts, 321 U. S. 158, 88 L. Ed. 645, 64 S. Ct. 438 (1944), Sarah Prince was convicted of violating the Child Labor laws by allowing a nine year old ward of hers to sell the "Watchtower" and "Consolation." These were publications of Jehovah's Witnesses. Both Prince and the nine year old girl believed the selling of these publications was their duty as Witnesses as a method of preaching the gospel and the failure to do so would bring condemnation "to everlasting destruction at Armageddon."

In upholding the conviction the court said:

> "But the family itself is not beyond regulation in the public interest, as against a claim of religious liberty. . . . And neither rights of religion nor rights of parenthood are beyond limitation. Acting to guard the general interest in youth's well being, the state as parens patriae may restrict the parent's control by requiring school attendance, regulating or prohibiting the child's labor, and in many other ways. Its authority is not nullified merely because the parent grounds his claim to control the child's course of conduct on religion or conscience. Thus, he cannot claim freedom from compulsory vaccination of the child more

> than for himself on religious grounds. The right to practice religion freely does not include liberty to expose the community or the child to communicable disease or the latter to ill health or death. . . . The catalogue need not be lengthened. It is sufficient to show what indeed appellant hardly disputes, that the state has a wide range of power for limiting parental freedom and authority in things affecting the child's welfare; and that this includes, to some extent, matters of conscience and religious conviction."

In Hoener v. Bertinato, 67 N. J. Super. 517, 171 A. 2d 140 (1961), the New Jersey court required the religious beliefs of parents to yield to the duty of the state to protect its citizens. Mrs. Bertinato had a blood condition known as RH negative and she was about to give birth to a child. The undisputed medical testimony was that the child would die shortly after the birth unless the child received a blood transfusion. The Bertinatos both testified:

> ". . . as Jehovah's Witnesses, if they consented, they would be breaking the commands of their faith which prohibit any taking or injection of blood, and that the strength of their belief was such that, even if it meant that the baby could not survive without the transfusions, they would, and could, not consent thereto. . ."

The court entered an order giving custody of the child, when born, to the county welfare department with authority to consent to a transfusion.

On the matter of religious freedom and the obligations of the state the court said:

> "Laws are made for the government of actions. While they cannot constitutionally interfere with mere religious beliefs and opinions, they may interfere with religious practices inconsistent with the peace and safety of the state--here, the protection of the lives and health of its children. . ."

Then, quoting from Prince, supra, the court said:

> " 'The right to practice religion freely does not include liberty to expose the community or the child to communicable disease or the latter to ill health or death* * * Parents may be free to become martyrs themselves. But it does not follow they are free, in identical circumstances, to make martyrs of their children before they have reached the age of full and legal discretion when they can make that choice for themselves'."

The New Jersey court reached a similar conclusion in regard to an infant already born in State v. Perricone, 37 N.J. 463, 181 A. 2d 751 (1962). Relying on Prince, supra, the court said:

> "Neither rights of religion nor rights of parenthood are beyond limitation."

Other cases reaching like conclusions can be found in 12 A.L.R. 2d 1047, and 30 A.L.R. 2d 1138.

In conclusion, it is our opinion that the state cannot abrogate, in the name of religion, its inherent duty as parens patriae with respect to children and others not capable of caring for themselves.

Very truly yours,

CLARENCE A. H. MEYER
Attorney General

(Signed) James J. Duggan
Assistant Attorney General

JJD:ejg

cc Mr. Vincent D. Brown
Clerk of the Legislature

Opinion No. 38
April 9, 1973

Senator Wally Barnett
Nebraska State Legislature
State Capitol Building
Lincoln, Nebraska

Dear Senator:

You have requested our opinion as to the effect of the Lewis General File amendment to Legislative Bill 180. This amendment deletes the language from Section 81-502 by virtue of which the Life Safety Code was adopted; and, in lieu thereof, the amendment provides that the Fire Marshal may adopt rules and regulations generally conforming to the standards recommended by the Life Safety Code.

We believe that the Fire Marshal, under the amendment, lawfully could promulgate and enforce as rules and regulations various provisions similar to some of those contained in the Life Safety Code. However, in our opinion, the Fire Marshal could not adopt all provisions of the Code in toto. The rule-making authority of the Fire Marshal is limited by Section 81-502 to certain specifically enumerated conditions and situations, the scope of which is considerably more narrow than the range of subjects covered by the Life Safety Code.

The amendment also restricts enforcement of the Fire Marshal's rules and regulations in cases where "doing so would impose an unduly severe or costly burden without substantially contributing to safety of persons or property." Just what would constitute such an unduly severe or costly burden could become quite nebulous matter to determine. Nevertheless, we doubt that the language is so vague as to render the provision incapable of understanding and application.

We find no reported court decision involving precisely this type of statutory language. However, there are a number of cases involving essentially synonymous wording in which the courts seem to experience no particular difficulty by way of interpretation and application of the statutory provision. In Safer v. City of Jacksonville, 237 So. 2d 8, the court found that the term "undue hardship" was susceptible of legal interpretation based upon the facts of a given case and that the use of such term in the municipal housing code provision granting to the Board of Adjustment the right to grant relief against strict or literal enforcement did not invalidate the provision. In Lovely v. Zoning Bd. of Appeals, 259 A. 2d 666, the court said that the phrase "undue hardship" as used in a statute providing for appeals from decisions of the Zoning Board of Appeals, should be equated with the phrase "unnecessary hardship," which means any hardship suffered by an applicant as a result of the interference with his right to use his property, without commensurate public advantage. In Beerman v. City of Kettering, 237 N.E. 2d 644, the court declared that "undue hardship" refers to a hardship peculiar to the situation of the zoning applicant, which is of such a degree of severity that its imposition is not necessary to carry out the spirit of the ordinance and amounts to a substantial and unnecessary injustice to the applicant. As is indicated by these court decisions, each case would necessarily have to be decided upon the basis of its particular factual setting.

Very truly yours,

CLARENCE A. H. MEYER
Attorney General

(Signed) C. C. Sheldon
Assistant Attorney General

CCS:smh
cc: Mr. Vince Brown
Clerk of the Legislature

NOTICE OF COMMITTEE HEARING
Nebraska Retirement Systems

LB 573 Wednesday, April 18, 1973 12:30 p.m.

(Signed) Ramey C. Whitney, Chairman

Room 2227

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 302, passed in the 1965 session of the Legislature, the attached is a list of all lobbyists who have registered as of April 5, 1973. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Vincent D. Brown
Clerk of the Legislature

Wylie, William – Elgin, Rall and Associates

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 539. Indefinitely postponed, with the understanding that the Legislature ask the Education Committee to include this in an interim study committee along with other related subjects.

LEGISLATIVE RESOLUTION 23. Placed on General File.

(Signed) Thomas C. Kennedy, Chairman

Nebraska Retirement Systems

LEGISLATIVE BILL 236. Placed on General File as amended.
Standing Committee amendments to LB 236:

1. On page 2, line 18, strike "and" and show the same as stricken.
2. On page 2, line 19, insert after "committee ; (6) all personnel of the Board of Educational Lands and Funds; and (7) all personnel of the State Department of Education".

LEGISLATIVE BILL 297. Placed on General File as amended.
Standing Committee amendment to LB 297:

1. Strike the sentence beginning on page 2, line 8, and insert: "Such certification may be applied for by written request to the Public Employees Retirement Board."

(Signed) Ramey C. Whitney, Chairman

Agriculture and Environment

LEGISLATIVE BILL 149. Placed on General File as amended.
Standing Committee amendments to LB 149:

1. Strike original sections 1 to 3 and insert:

"Section 1. The University of Nebraska shall be composed of a chief governing administrative unit and three universities, the University of Nebraska-Lincoln, University of Nebraska at Omaha, University of Nebraska Medical Center and such other institutions and units as may be designated by the Legislature.

Sec. 2. That section 85-106, Revised Statutes Supplement, 1972, be amended to read as follows:

85-106. The Board of Regents shall have power (1) to enact laws for the government of the university; (2) to elect a ~~chancellor,~~ president, vice presidents, chancellors, vice chancellors, deans, associate deans, assistant deans, directors, associate directors, assistant directors, professors, associate professors, assistant professors, instructors, other members of the faculty staff, and employees generally of the university, and to provide for academic tenure for professors, associate professors, and assistant professors; (3) to prescribe the duties of such persons, not inconsistent with section 4 of this act; (4) to fix their compensation; (5) to provide, in its discretion, retirement benefits for present and future employees of the university, subject to the following; (a) The cost of such retirement benefits shall be funded in accordance with sound actuarial principles with the necessary contributions for both past service and future service being treated in the university budget in the same way as any other operating expense, (b) the miximum university contribution under any such retirement plan shall not exceed the sum of (i) six per cent of each university employee's salary or wage earnings for any calendar year before any agreement for reduction of salary or wage earnings, and (ii) pursuant to an agreement for reduction of salary or wage earnings, the amount of the reduction of salary or wage earnings, (c) each employee's contribution shall at least equal the university's contribution of any such retirement fund; Provided, that in lieu of making such contribution, each such employee may enter into an agreement for reduction of salary or wages for the purchase by the Board of Regents of an annuity contract for such employee, under the provisions of the Technical Amendments Act of 1958 to the Internal Revenue Code, as amended, but the amount of the reduction of salary or wages allowable under this subdivision may not include credit for service prior to March 29, 1972, (d) the retirement benefits of any employee for service prior to September 1, 1961 shall be those provided under the retirement plan then in force which benefits shall not be abridged; Provided, that such retirement benefits shall become fully vested in the event of an employee's termination of employment, if such an employee shall have at least ten years of service at the date of termination, and (e) the investment of retirement funds shall be pursuant to sections 72-1237 to 72-1259; (6) to equalize and provide for uniform benefits for all present and future employees, including group life insurance, group hospital-medical insurance, group long-term disability income insurance and retirement benefits; (7) to provide, through the University Extension Division, for the holding of classes at various localities throughout the state avoiding unnecessary duplication of courses offered by other educational institutions in such localities; and (8) to remove the ~~chancellor,~~ president, vice presidents, chancellors, vice chancellors, deans, associate deans, assistant deans, directors, associate directors, assistant directors, professors, associate professors, assistant professors, instructors, other members of the faculty staff, and employees generally, when the interests of the university shall require it.

Sec. 3. A University of Nebraska Institute of Agriculture and Natural Resources shall be established at the University of Nebraska-Lincoln, which shall embrace but not be limited to the following divisions or administrative units: (1) College of Agriculture; (2) School of Technical Agriculture at Curtis; (3) Agricultural Experiment Station; (4) Cooperative Extension Service; (5) Conservation and Survey; and (6) Water Resources Research Institute. The University of Nebraska Institute of Agriculture and Natural Resources shall be headed by a vice chancellor and each division or administrative unit shall have a dean, or director, or other chief administrative officer.

Sec. 4. The vice chancellor for the University of Nebraska Institute of Agriculture and Natural Resources shall be responsible for providing leadership for all agricultural and natural resources affairs in the University of Nebraska as they involve the office of chancellor of the University of Nebraska-Lincoln and the President and the Board of Regents of the University of Nebraska. He shall coordinate agricultural, natural resources, and related matters of the University of Nebraska-Lincoln. As senior agricultural and natural resources administrator in the University of Nebraska, he and the chancellor of the University of Nebraska-Lincoln shall together provide advice and counsel to and assist the President and Board of Regents of the University of Nebraska in agricultural, natural resources, and related matters.

Sec. 5. That original section 85-106, Revised Statutes Supplement, 1972, and also section 72-702, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

LEGISLATIVE BILL 400. Placed on General File as amended.
Standing Committee amendments to LB 400:

1. On page 2 line 25 strike "sale barns" and insert "livestock auction markets", after "Blue Hill" insert ", all of lots 1 to 6, and lots 7 and 8, except 22 feet of the east side of lot 8, all in block 6, original town of Blue Hill,"; after "Red Cloud" insert ", part of lot A, Roats subdivision to Red Cloud, lots 1 and 2 and the south one half of block 32 in original town of Red Cloud, and all of annex lot 21, Red Cloud,".

2. Add a new section 3 to read as follows:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

(Signed) Loran Schmit, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on April 6, 1973, at 9:30 a.m.: LB 5, LB 25 and LB 425.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 60, 331, 352, 420, 428, 435, 462, 478, 479, 483, 492, and 527.

Correctly Enrolled

The following bills were correctly enrolled: 250, 281, 282, 309, 384, 412, 417, 429, 430, 441, 457, 182, 182A, 324, 344, 346, 463, 489 and 523.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following: LB 250, LB 281, LB 282, LB 309, LB 384, LB 412, LB 417, LB 429, LB 430, LB 441, LB 457, LB 182, LB 182A, LB 324, LB 344, LB 346, LB 463, LB 489 and LB 523.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 17A. By Burbach, 19th District.

A BILL FOR AN ACT to appropriate one hundred fifty-three thousand dollars from the state General Fund for the period of July 1, 1973 to June 30, 1974 to the Department of Agriculture, Agency No. 18 for Program 057, to aid in carrying out the provisions of Legislative Bill 17, Eighty-third Legislature, First Session, 1973.

RESOLUTION

LEGISLATIVE RESOLUTION 30. By Schmit, 23rd District.

WHEREAS, Nebraskans are justly proud of the accomplishments of her people and their institutions; and

WHEREAS, athletic honors, fairly won in competition, comprise a rich and treasured portion of accomplishments by Nebraskans; and

WHEREAS, the John F. Kennedy College Patriettes basketball team by its 59 – 52 defeat of Raytown Missouri Pipperettes in the title game of the AAU National Championship March 31, 1973 has established itself as Number 1 for the second year in a row; and

WHEREAS, The John F. Kennedy College Patriettes placed five members of such team on the All-American Womens Basketball Team: Gail Ahrenholtz, Diana Reviello, Linda White, Barbara Wischmeier, and Juliene Brazinski who was also honored as the Most Valuable Player.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its congratulations to the John F. Kennedy College Patriettes of Wahoo, Nebraska and their outstanding coach, George Nicodemus, for another successful season and for its second successive Number 1 ranking.
2. That a copy of this resolution shall be sent by the Clerk of the Legislature to Coach George Nicodemus for the team and coaching staff at John F. Kennedy College.

SELECT FILE

LEGISLATIVE BILL 452. E & R amendments found in the Journal on page 1115 for the Sixty-third Day were adopted.

Advanced to E & R for Engrossment.

Bracketed on E & R for Engrossment at the request of Mr. Marvel.

LEGISLATIVE BILL 364. E & R amendments found in the Journal on page 1116 for the Sixty-third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 179. E & R amendments found in the Journal on page 1139 for the Sixty-third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 145. E & R amendment found in the Journal on page 1116 for the Sixty-third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 148. E & R amendment found in the Journal on page 1116 for the Sixty-third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 193. E & R amendments found in the Journal on page 1116 for the Sixty-third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 180. E & R amendments found in the Journal on page 1117 for the Sixty-third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 22. E & R amendments found in the Journal on page 1117 for the Sixty-third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 94. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 207. E & R amendments found in the Journal on page 1139 for the Sixty-third Day were adopted.

Mrs. Marsh offered the following amendment which was adopted with 27 ayes, 10 nays and 12 not voting:

Strike the Barnett amendment to LB 207

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 413. E & R amendments found in the Journal on page 1139 for the Sixty-third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 415. E & R amendments found in the Journal on page 1139 for the Sixty-third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 378A. E & R amendments found in the Journal on page 1139 for the Sixty-third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 110A. E & R amendment found in the Journal on page 1140 for the Sixty-third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 280A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 254A. Advanced to E & R for Engrossment.

MOTION—Return LB 280A to Select File

Mr. Carpenter moved to return LB 280A to Select File for the following specific amendment:

Add the Emergency Clause.

The motion prevailed with 26 ayes, 0 nays and 23 not voting.

SELECT FILE

LEGISLATIVE BILL 280A. The Carpenter specific amendment found in this day's Journal was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 235A. E & R amendment found in the Journal on page 1140 for the Sixty-third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 332. E & R amendments found in the Journal on page 1140 for the Sixty-third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 397. E & R amendments found in the Journal on page 1140 for the Sixty-third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 414. E & R amendments found in the Journal on page 1140 for the Sixty-third Day were adopted.

The Stromer pending amendments found in the Journal on page 1133 for the Sixty-third Day were adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 482. E & R amendment found in the Journal on page 1141 for the Sixty-third Day was adopted.

Advanced to E & R for Engrossment.

MESSAGE FROM THE GOVERNOR

April 5, 1973

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointments to the Public Employees Retirement Board requiring legislative confirmation:

Reappointment of Lowell W. Fisk, 521 Glenhaven Dr., Lincoln–term expires January 1, 1976

Richard Weber, 711 Webster, Hastings–term expiring January 1, 1976

I respectfully submit this appointment for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

UNANIMOUS CONSENT–Print in Journal

Mr. Marvel asked unanimous consent to have the following letter relative to LB 235A printed in the Journal. No objections. So ordered.

Department of Health, Education, and Welfare

April 4, 1973

Honorable Richard L. Marvel
Chairman, Appropriations Committee
Nebraska Legislature
Room 2028, State Capitol
Lincoln, Nebraska 68509

Dear Senator Marvel:

This will confirm the statements made by Mr. Robert D. McManus, Assistant Regional Director, Region VII, DHEW, to you and Senator Terry Carpenter, Chairman, Nebraska Legislative Executive Board on Tuesday, April 3, 1973, in response to your questions regarding Federal participation in the funding of the Nebraska AFDC welfare program.

You asked if the Federal government could reduce or eliminate Federal participation in the funding of the AFDC program. The Federal government cannot reduce, eliminate, or impound funds intended for the Federal share of expenditures for assistance payments (Title IV A) and payments for medical services (Title XIX) without act of Congress. The Federal government is obligated to appropriate sufficient funds to cover the Federal share of these expenditures as determined by the application of the pertinent sections of the Social Security Act.

The Federal share of expenditures for these programs is set forth by formula in the Social Security Act and cannot be altered except by congressional action.

I have discussed this matter with Mr. Paul Cacioppo, Regional Attorney, Region VII, DHEW and he concurs with this funding.

Sincerely yours,

(Signed) Max M. Mills
Regional Director

cc: Senator Terry Carpenter
Chairman, Nebraska Legislative Board
Lincoln, Nebraska

SELECT COMMITTEE REPORTS

Committee on Committees

April 9, 1973

The Committee desires to report favorably upon the appointments listed below which were submitted by Governor J. James Exon. The Committee suggests that the appointments be confirmed by the Legislative Body and suggests a record vote:

E. K. Yanney – Nebraska Investment Council

Committee Vote: For: (9) Senators Barnett, Duis, Epke, Johnson, Nore, Snyder, Stromer, Whitney and Wiltse

Against: None

Absent and not voting: (4) Senators Chambers, Luedtke, Stahmer and Stull

Charles Broderson – Code of Ethics Board

Committee Vote: For: (9) Senators Barnett, Duis, Epke, Johnson, Nore, Snyder, Stromer, Whitney and Wiltse

Against: None

Absent and not voting: (4) Senators Chambers, Luedtke, Stahmer and Stull

Donald R. Treadway – Code of Ethics Board

Committee Vote: For: (9) Senators Barnett, Duis, Epke, Johnson, Nore, Snyder, Stromer, Whitney and Wiltse

Against: None

Absent and not voting: (4) Senators Chambers, Luedtke, Stahmer and Stull

Respectfully submitted,

(Signed) Ramey C. Whitney, Chairman

April 9, 1973

The Committee desires to report favorably upon the appointments listed below which were submitted by Governor J. James Exon. The Committee suggests that the appointments be confirmed by the Legislative Body and suggests a record vote:

Thomas D. Doyle – Code of Ethics Board

Committee Vote For: (9) Senators Barnett, Duis, Epke, Johnson, Nore, Snyder, Stromer, Whitney and Wiltse

Against: None

Absent and not voting: (4) Senators Chambers, Luedtke, Stahmer and Stull

William E. Peters – Code of Ethics Board

Committee Vote: For: (9) Senators Barnett, Duis, Epke, Johnson, Nore, Snyder, Stromer, Whitney and Wiltse

Against: None

Absent and not voting: (4) Senators Chambers, Luedtke, Stahmer and Stull

Charles Davey – Department of Economic Development
Advisory Committee

Committee Vote: For: (9) Senators Barnett, Duis, Epke, Johnson, Nore, Snyder, Stromer, Whitney and Wiltse

Against: None

Absent and not voting: (4) Senators Chambers, Luedtke, Stahmer and Stull

Respectfully submitted,

(Signed) Ramey C. Whitney, Chairman

April 9, 1973

The Committee desires to report favorably upon the appointments listed below which were submitted by Governor J. James Exon. The Committee suggests that the appointments be confirmed by the Legislative Body and suggests a record vote:

John Sullivan – Agricultural Products Industrial Utilization Committee

Committee Vote: For: (9) Senators Barnett, Duis, Epke, Johnson, Nore, Snyder, Stromer, Whitney and Wiltse

Against: None

Absent and not voting: (4) Senators Chambers, Luedtke, Stahmer and Stull

Ray R. Young – Public Welfare and Public Institutions Advisory Committee

Committee Vote: For: (9) Senators Barnett, Duis, Epke, Johnson, Nore, Snyder, Stromer, Whitney and Wiltse

Against: None

Absent and not voting: (4) Senators Chambers, Luedtke, Stahmer and Stull

Respectfully submitted,

(Signed) Ramey C. Whitney, Chairman

NOTICE OF COMMITTEE HEARING
Committee on Committees

April 9, 1973

The Committee on Committees will meet at 12:30 p.m., Tuesday, April 17, 1973, in the East Hearing Room, for the purpose of considering appointments by Governor J. James Exon as follows:

William E. Colwell
Board of Trustees of Nebraska State Colleges

Dr. Brendan J. McDonald
Educational Television Commission

Herbert G. Andrews
Motor Vehicle Industry Licensing Board (re-set)

Dick L. Flynn
Motor Vehicle Industry Licensing Board (re-set)

(Signed) Ramey C. Whitney, Chairman
Committee on Committees

STANDING COMMITTEE REPORT
Miscellaneous Subjects

LEGISLATIVE BILL 547. Placed on General File.

(Signed) John J. Cavanaugh, Vice-Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 68. Replaced on Select File as amended.
E & R amendments to LB 68:

1. In line 1 of E & R amendment 1, adopted 4/3/73, strike "page 1" and insert "page 2".
2. On page 2, line 12, insert "rent," after the fourth comma.
3. On page 3, insert a comma at the end of line 4; and in line 5, strike the first and second "or" and insert a comma after "offers" and after "attempts".
4. In line 3 of E & R amendment 3, adopted 4/3/73, insert a comma after "following".
5. In line 2 of standing committee amendment 3, strike "line 6" and insert "line 5".
6. On page 10, line 4, strike the first "the".
7. In E & R 17, adopted 4/3/73, strike "denial" and insert "of".
8. On page 14, insert a comma at the end of line 26.
9. In line 3 of E & R 29, adopted 4/3/73, insert "the first" after "strike".
10. On page 31, line 1, strike the second "for" and insert "of".
11. On page 36, line 13, strike the comma.

12. In standing committee amendment 8, line 7, insert a comma after "corporation".

13. On page 25, line 11, strike "a" and insert "an".

14. In the title, line 3, strike "to provide an operative date;".

LEGISLATIVE BILL 86. Replaced on Select File as amended.
E & R amendments to LB 86:

1. In line 4 of the Duis amendment to page 3, line 13, strike the second "or".

2. In E & R amendment 8, strike beginning with "in" in line 7 through line 8.

3. On page 7, line 23, strike "subsections" and insert "subdivisions".

4. On page 8, line 21, strike "moral".

5. In E & R amendment 19, line 1, strike "lines 1" and insert "lines 6".

6. In the title, insert "to provide severability;" at the end of line 6.

LEGISLATIVE BILL 164. Replaced on Select File as amended.
E & R amendments to LB 164:

1. On page 8, line 17, insert an underscored comma after "intended".

2. On page 12, line 16, insert "or" after the second comma.

3. On page 27, insert an underscored comma at the end of line 21.

4. In line 2 of E & R 10, insert "the first" after "after".

LEGISLATIVE BILL 480. Replaced on Select File as amended.
E & R amendment to LB 480:

1. In the title, line 7, insert "or policemen" before the semicolon.

LEGISLATIVE BILL 378. Replaced on Select File as amended.
E & R amendment to LB 378:

1. On page 4, line 2, strike "and".

LEGISLATIVE BILL 268. Replaced on Select File as amended.
E & R amendments to LB 268:

1. In E & R amendments, page 1, line 6, strike "page 1" and insert "page 2"; and in line 12, strike "this".

2. In E & R amendments, page 2, line 8, strike "or" and show stricken.

3. On page 2, line 18, strike the first comma and insert a period.

4. On page 5, lines 6 and 10, strike "by".

5. In E & R amendments, page 4, line 23, insert an underscored comma after "had".

6. In E & R amendments, page 6, lines 24 and 25, strike the parentheses and insert underscored commas.

7. In E & R amendments, page 8, line 12, strike "their" and insert "its".

8. In E & R amendments, page 11, line 20, strike "provided" and insert "if"; and in line 22, strike "provided, also," and insert "if".

9. Because of renumbered section 32, strike the Carpenter amendment adopted 4/4/73.

LEGISLATIVE BILL 43A. Replaced on Select File as amended.
E & R amendment to LB 43A:

1. In the title, strike lines 2 and 3 and insert:
"FOR AN ACT to appropriate four hundred six thousand eight hundred seventy-five dollars from the".

LEGISLATIVE BILL 265. Replaced on Select File as amended.
E & R amendment to LB 265:

1. In new section 1, line 11, insert an underscored comma after "States".

LEGISLATIVE BILL 319. Replaced on Select File as amended.
E & R amendments to LB 319:

1. In the Richendifer amendment adopted 4/5/73, line 6, insert "~~therefor~~" before "per", and strike the period; and in line 13, strike "out".

2. Strike E & R amendments 1 and 2 adopted 4/5/73.

LEGISLATIVE BILL 319A. Placed on Select File.

LEGISLATIVE BILL 496A. Placed on Select File as amended.
E & R amendments to LB 496A:

1. On page 2, line 13, strike "Grain" and insert "Agricultural".

2. In the title, line 4, strike "Grain" and insert "Agricultural"; and in line 7 insert "for personal services" after the comma.

LEGISLATIVE BILL 402. Placed on Select File as amended.
E & R amendments to LB 402:

1. On page 2, line 11, strike the comma and show as stricken.

2. On page 3, line 9, strike the comma and show as stricken; and in line 12, insert "of" after "years".

3. In standing committee amendment 2, line 7, insert an underscored comma after "IV".

4. On page 5, line 6, insert "and Class II, III, IV, and V school districts" after "units".

5. In the title, line 5, insert "or certain school districts" after "units".

LEGISLATIVE BILL 408. Placed on Select File as amended.
E & R amendment to LB 408:

1. In the title, line 4, strike "duties" and insert "election".

LEGISLATIVE BILL 511. Placed on Select File as amended.
E & R amendments to LB 511:

1. On page 2, line 7, insert a comma after "present"; in line 8, insert "federal" after "the"; in line 13 insert "the" after "for"; in line 24 strike "statutes" and insert "law"; and in line 27 strike "as defined in this section" and insert "described in section 2 of this act".

2. On page 3, line 2, insert "federal" after "the"; in line 4 strike "to" in both places; in line 5 strike "as"; in line 18 strike the comma; in line 19 insert "by so doing" after "that"; in line 21 strike "by this method"; and in line 27 strike "set forth in the state statutes".

3. On page 4, strike line 5 and insert "by law."; and in line 10 insert a comma after "blind".

LEGISLATIVE BILL 244. Placed on Select File as amended.
E & R amendment to LB 244:

1. In the new section 1, line 3, strike "where" and insert ", when"; and in line 8 strike the comma.

LEGISLATIVE BILL 491. Placed on Select File as amended.
E & R amendments to LB 491:

1. On page 2, line 7, strike ", where" and insert "~~, where~~ when".

2. On page 3, line 23, strike the comma and show as stricken.

3. On page 4, line 26, insert an underscored comma after "feet".

4. On page 5, line 9, insert an underscored comma after "inches".

5. On page 6, line 22, insert "(1) or" before "(2)".

6. On page 7, line 27, strike "subdivisions

(1) and" and insert "~~subdivisions~~ subdivision (1) ~~and~~ or".

7. On page 9, line 6, strike "where" and insert "~~where~~ when"; and in line 21 strike section 39-723.05" and insert "sections 39-723.05 and 39-1351".

8. In new section 6, line 14, strike "where" and insert "~~where~~ when".

9. In the title, line 2, strike "section 39-723.05" and insert "sections 39-723.05 and 39-1351"; and strike lines 6 and 7 and insert "highways; to change maximum height, width, and load provisions; to change the time to apply for prequalification; to repeal the".

LEGISLATIVE BILL 455. Placed on Select File as amended.
E & R amendment to LB 455:

1. In the title, line 4, strike "principal".

LEGISLATIVE BILL 501. Placed on Select File as amended.
E & R amendments to LB 501:

1. On page 2, line 20, strike "herein provided" and insert "provided in this section".

2. On page 3, line 3, insert an underscored comma after "order"; in line 6 strike "is" and insert "shall be"; strike line 11 and insert "in this section."; in line 13 strike "they acquit" and insert "it acquits"; in line 14 strike "their" and insert "its"; in line 16 strike "(a)" and insert "(1)"; in line 18 strike "(b)" and insert "(2)" ; in line 20 strike the second "that" and insert "the"; in line 23 strike "that" and insert "the"; and strike line 25 to 27 and insert "83-325.".

LEGISLATIVE BILL 504. Placed on Select File as amended.
E & R amendments to LB 504:

1. On page 2, line 3, strike "or" and insert an underscored comma; and insert "or" at the end of the line; in line 4 strike the first comma; and in line 15, strike "three" and insert "~~three~~ four".

2. On page 3, line 17, insert "section 14 of" after "of".

3. On page 4, line 13, strike the first "that" and insert "~~that~~ That".

4. On page 6, line 14, insert "section 14 of" after "of".

5. On page 8, line 6 strike the first period.

6. On page 9, line 9, insert "(1)" before "~~When~~".

7. On page 10, line 3, insert "(2)" before "If"; in line 18 strike "should" and insert "shall"; and in line 19 strike the comma.

8. On page 12, insert an underscored comma after "preserving" in lines 4 and 8 and "recording" in line 16; and in line 23 strike "the witness" and insert "him".

9. On page 14, line 20, strike "statute" and insert "section"; in line 24 insert "of this section" after "(c)"; and in line 26 strike "is" and insert "will be".

10. On page 15, line 1, strike "statute" and insert "section"; in line 2 insert an underscored comma after "trial"; and in line 13 insert "25-1267.19," after the first comma.

11. In the title, line 4, insert "25-1267.19," after the second comma.

LEGISLATIVE BILL 226. Placed on Select File as amended.
E & R amendments to LB 226:

1. The Cavanaugh amendment having stricken all amendatory matter therefrom, strike new section 7 and renumber sections 8 to 12 as sections 7 to 11.

2. Renumber the new section added by the Whitney amendment as section 12.

3. In standing committee amendment, page 2, strike beginning with "not" in line 23 through line 24 and show stricken and insert "in counties of not more than twenty thousand inhabitants, one thousand dollars; over twenty thousand and not more than thirty thousand inhabitants, two thousand dollars; over thirty thousand and not more than fifty thousand inhabitants, three thousand dollars; over fifty thousand inhabitants, five".

4. In standing committee amendment, page 18, line 8, strike "convictions" and insert "conviction".

5. For correlation purposes, on page 17, line 5, insert ", as amended by section 1, Legislative Bill 317, Eighty-third Legislature, First Session, 1973" after "1972"; in line 8 as amended insert "~~or probation~~" after "~~conviction~~"; in standing committee amendment to line 12, remove underscoring and insert a comma before "or" and after "probation"; strike the period in line 15 and insert an underscored semicolon; insert "~~person~~" at the end of line 16; in line 17 strike "~~person~~" and insert "~~or placed on probation~~"; and in line 17 strike the stricken period and insert "~~.~~Provided, that the Director of Motor Vehicles shall not assess such person with any points under section 39-7,128 for such violation when the person is placed on probation therefor, unless and until the director is advised by the court that such person previously placed on probation has violated the terms of his probation and such probation has been revoked. Upon receiving notice of such revocation of probation, the director shall assess to such person the points which such person

would have been assessed had the person not been placed on probation. In the event that a person successfully completes his probation and is discharged by the court, no points shall be assessed against such person for the violation which resulted in such person being placed on probation. When a person successfully completes probation and is discharged the court shall notify the director of such fact.".

6. For correlation purposes, on page 17, line 19, insert ", as amended by section 2, Legislative Bill 317, Eighty-third Legislature, First Session, 1973," after "1972"; in line 22 insert "~~or probation for~~" after the second "~~of~~"; on page 18, line 1, insert "~~; Provided, that the director shall not assess such person with any points under section 39-7,128 for such violation when the person is placed on probation therefor, unless and until the director is advised by the court that such person previously placed on probation has violated the terms of his probation and such probation has been revoked. Upon receiving notice of such revocation of probation, the director shall assess to such person the points which such person would have been assessed had the person not been placed on probation. In the event that a person successfully completes his probation and is discharged by the court, no points shall be assessed against such person for the violation which resulted in such person being placed on probation. When a person successfully completes probation and is discharged, the court shall notify the director of such fact~~" after "~~reports~~"; in line 3 insert " and the National Crime Information Center" after "Vehicles"; in line 6 insert "~~,~~ and the National Crime Information Center~~,~~" after "director"; and in line 7 strike the new and reinstate the stricken matter.

7. On page 18, line 2, strike "likewise" and show stricken; in line 3 strike "such" and show stricken; in line 3 insert "provided for in section 39-796" after "forms"; and in line 4 insert "or placing him on probation for" after the second "of".

8. In lieu of the Whitney amendment 4, in standing committee amendments page 19, line 11, insert "24-703.01," after the fifth comma; and in line 15, strike "sections 24-703.01 and" and insert "section".

9. In standing committee amendments, page 19, line 9, strike "and"; in line 10 strike "24-519,"; in line 12 strike "39-794, 39-795,"; and in line 13 insert ", and sections 39-794 and 39-795, as amended by sections 1 and 2 respectively, Legislative Bill 317, Eighty-third Legislature, First Session, 1973," after "1972".

10. In the title, strike lines 2 to 25 and insert:

"FOR AN ACT relating to courts; to amend, revise, and clarify provisions in accordance with the new county court system; to correct an error in Laws 1972, Legislative Bill 1032, respecting bond requirements; to amend sections 25-1631, 29-812, 29-2701, 29-2702, 29-2704, 29-2705, and 29-2709, Reissue Revised Statutes of Nebraska, 1943, sections 11-119, 24-509, 24-511, 24-514, 24-516, 24-517, 24-524, 24-533, 24-543, 24-701, 24-703, 24-703.01, 25-1521, 25-1522, 29-504, 29-2703, 33-140, 39-796, and 42-108, Revised Stautes Supplement, 1972, and sections 39-794 and 39-795, as amended by sections 1 and 2 respectively, Legislative Bill 317, Eighty-third Legislature, First Session, 1973, and also sections 23-1115 and 29-2707, Reissue Revised Statutes of Nebraska, 1943, and section 29-616, Revised Statutes Supplement, 1972; to repeal the original sections; and to declare an emergency.".

LEGISLATIVE BILL 374. Placed on Select File as amended.
E & R amendment to LB 374:

1. On page 2, line 2, strike the comma; in line 10 strike "; the" and insert ". The"; and in line 14 strike "; the plans" and insert "and".

LEGISLATIVE BILL 220. Placed on Select File as amended.
E & R amendments to LB 220:

1. On page 2, line 4, strike the comma and show as stricken; in line 5, strike the first comma and strike "excepting the county judge," and show as stricken.
2. On page 3, insert an underscored comma at the end of line 18, and after "officer" in line 19.
3. On page 4, insert an underscored comma after "officer" in lines 3 and 13, after "officers" in line 21, and after "officers" in line 22.
4. In the title, line 7, insert "to delete obsolete matter;" after the semicolon.

LEGISLATIVE BILL 498. Placed on Select File as amended.
E & R amendments to LB 498:

1. In the Whitney amendment 2, line 2, strike the comma.
2. On page 4, insert an underscored period at the end of line 13 and strike line 14.
3. On page 9, line 21, strike "shall" and insert "may".

4. On page 11, line 11, strike "statute" and insert "law".

5. For correlation purposes, on page 10, line 21, insert ", as amended by section 3, Legislative Bill 216, Eighty-third Legislature, First Session, 1973" after "1943"; and at the end of line 1, page 11, insert "and to administer the retirement system provided for in sections 23-2301 to 23-2331, and the authority of the board to administer such system shall commence thirty days after the effective date of this act;".

6. On page 11, line 13, and in the title, line 3, insert "and" before "84-1323"; on page 11, lines 13 and 14, and in the title, lines 3 and 4, strike "and 84-1503,"; and on page 11, line 14, and in the title, line 5, insert ", and section 84-1503, Reissue Revised Statutes of Nebraska, 1943, as amended by section 3, Legislative Bill 216, Eighty-third Legislature, First Session, 1973" after "1943".

LEGISLATIVE BILL 306. Placed on Select File as amended.
E & R amendments to LB 306:

1. In the Carpenter amendment, line 3, strike "State".

2. In the title, line 5, insert "and proceedings of the Legislature" after "figures".

LEGISLATIVE BILL 307. Placed on Select File as amended.
E & R amendments to LB 307:

1. In new section 1, line 4, strike "Nebraska Technical Community Colleges" showing old matter stricken and insert "technical community colleges"; in line 15, strike the comma and insert "as" after "or"; in line 16, strike "Either:" and insert "either"; in line 20, strike "act." and insert "section."; and in line 35 strike "Nebraska Technical Community" showing old matter stricken and insert "technical community".

2. In the title, line 2, strike "85-503" and insert "80-411"; in line 3 strike "state"; and strike lines 4 to 6 and insert "institutions of higher education; to provide waiver of tuition for children of certain servicemen; and to".

LEGISLATIVE BILL 475. Placed on Select File as amended.
E & R amendments to LB 475:

1. On page 2, insert a comma at the end of line 5, after "suit" in lines 6 and 19, "administrative" in line 7, "employee" in line 10, and "fines" in line 12; in line 15, insert "which" after "manner"; in line 18, insert "that" after "believe"; and in line 21, strike the comma.

2. On page 3, insert a comma at the end of line 3, after "employee" in lines 7 and 25, "issue" in line 14, "that" in line 19, at the end of line 20, and after "suit" in line 27.

3. On page 4, insert a comma after "issue" in line 2, "employee" in lines 9 and 25, and "suit" in lines 15, 20, and 22; and in line 17, strike "directors" and insert "board members".

4. On page 5, line 5, strike "both" and insert "either" and strike "and" and insert "or"; and insert a comma after "employee" in lines 8 and 13 and at the end of line 9.

(Signed) John J. Cavanaugh, Chairman

SPEAKER PROUD PRESIDING

MOTION–Return LB 246 to General File

Mr. Carpenter moved to return LB 246 to General File. The motion lost with 15 ayes, 9 nays and 25 not voting.

GENERAL FILE

LEGISLATIVE BILL 114. Considered.

PRESIDENT MARSH PRESIDING

The Carpenter pending amendment found in the Journal on page 1110 for the Sixty-second Day was considered.

Bracketed until Wednesday, April 11, at the request of Mr. Carpenter.

UNANIMOUS CONSENT–Change of Order

Mr. Maresh asked unanimous consent to consider LB 546 on General File at this time. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 546. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

UNANIMOUS CONSENT–Expedite LB 546

Mr. Maresh asked unanimous consent to expedite LB 546. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 503. Title read. Considered.

Standing Committee amendments found in the Journal on page 871 for the Fifty-second Day were adopted.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 517. Title read. Considered.

Mr. Simpson offered the following amendment which was adopted:
1. On page 2, line 1, insert "76-503 and"
after "sections".

Mr. Luedtke offered the following amendment which was adopted:
On page 2 insert a new section as follows:
Sec. 2. In the examination of an abstract of title to real
estate, it shall not be considered negligence for an
attorney to follow the Title Standards promulgated by
the Nebraska State Bar Association.

Advanced to E & R for Review with 25 ayes, 1 nay and 23 not voting.

ANNOUNCEMENT

Mr. Maresh announced that the Labor Committee will meet in Executive Session on Wednesday, April 11, between 1:00 and 2:00 p.m. to act on claims against the State of Nebraska.

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on April 9, 1973 at 11:40 a.m.: LB 250, LB 281, LB 282, LB 309, LB 384, LB 412, LB 417, LB 429, LB 430, LB 441, LB 457, LB 182, LB 182A, LB 324, LB 344, LB 346, LB 463, LB 489 and LB 523.

(Signed) Barbara Jackson, Enrolling Clerk

RECESS

At 11:59 a.m., on a motion by Mr. C. Carsten, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:02 p.m., President Marsh presiding.

The roll was called and all members were present except Messrs. Fellman, Keyes, F. Lewis, Skarda, Syas and Waldron who were excused.

STANDING COMMITTEE REPORT
Urban affairs

LEGISLATIVE BILL 225. Placed on General File.

(Signed) Duke Snyder, Chairman

GENERAL FILE

LEGISLATIVE BILL 518. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 519. Title read. Considered.

Standing Committee amendments found in the Journal on page 871 for the Fifty-second Day were adopted.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 521. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 449. Bracketed for Tuesday, April 10 at the request of Mr. Johnson.

LEGISLATIVE BILL 449A. Bracketed for Tuesday, April 10 at the request of Mr. Johnson.

LEGISLATIVE BILL 525. Title read. Considered.

Standing Committee amendment found in the Journal on page 872 for the Fifty-second Day was adopted.

Mr. Carpenter offered the following amendment which was adopted:

1. On page 4, line 19 after "institutions" insert "and to expend funds for the purpose of promoting such programs".

Mr. Snyder moved to indefinitely postpone.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now cease?" The motion prevailed with 26 ayes, 0 nays and 23 not voting.

The Snyder motion to indefinitely postpone prevailed with 24 ayes, 9 nays and 16 not voting.

LEGISLATIVE BILL 131. Bracketed until Tuesday, April 10 at the request of Mr. Snyder.

LEGISLATIVE BILL 515. Title read. Considered.

Standing Committee amendments found in the Journal on page 890 for the Fifty-third Day were adopted.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 436. Title read. Considered.

Standing Committee amendments found in the Journal on page 891 for the Fifty-third Day were adopted.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

MESSAGE FROM THE GOVERNOR

April 9, 1973

Mr. Vince Brown
Clerk of the Legislature
State House
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 5 and 425, and Reengrossed Legislative Bill No. 206.

These bills were signed by me on April 7, 1973 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

UNANIMOUS CONSENT—Member Excused

Mr. Anderson asked unanimous consent to be excused at 3:00 p.m. today. No objections. So ordered.

SELECT COMMITTEE REPORT
Rules

Mr. Duis moved the amendments to the Rules be adopted or indefinitely postponed as shown:

1. Sen. Chambers, 1/2/73 Journal page 22, Rule 2 Sec. 12 – indefinitely postpone.

2. Sen. Burbach, 1/8/73 Journal page 91, Rule 2, Sec. 12 – indefinitely postpone.

3. Sen. Warner, 3/12/73, Journal page 759, Rule 6, Sec. 6 – indefinitely postpone.

4. Sen. Duis, 3/19/73, Journal page 857, Rule 6, Sec. 2(h) – indefinitely postpone.

5. Sen. Stromer & Sen. Mahoney, 3/19/73, Journal page 857, Rule 2, Sec. 3(b) & (c) – adopt as amended:

(b) No person shall be admitted to the floor of the Legislature, as described in this rule, except the following:

(i) Members of the Legislature and their immediate families.
(ii) Officers and employees of the Legislature.
(iii) Reporters of regularly accredited newspapers and broadcasting stations~~.~~ who shall have access to an area assigned by the Speaker.
(iv) The Governor or one liaison person for consultation who shall have access to roped area under north or south balcony.

(c) ~~The Governor~~, state officers, former legislators and other distinguished visitors may be admitted to the floor upon permission from the chair.

6. Sen. Kremer, 3/28/73, Journal page 992, Rule 4, Sec. 3 – adopt.

7. Sen. Duis, 3/28/73, Journal page 992, Rule 4, Sec. 2 – adopt as shown:

Sec. 2. WHEN CONSIDERED AS A BILL. Resolutions which propose amendments to the state constitution, propose the ratification of amendments to the federal constitution, or memorialize the Congress for the purpose of proposing amendments to the U. S. Constitution, or the rejection, change, alteration, amendment, or modification of rules under the provisions of section 84-504, Reissue Revised Statutes of Nebraska, 1943, shall be considered and adopted in the same manner as bills.

8. Sen. Epke, 3/28/73, Journal page 1003, Rule 3, Sec. 12 – adopt.

(Signed) Herbert J. Duis, Chairman

ATTORNEY GENERAL OPINION

Opinion No. 39
April 9, 1973

Senator J. James Waldron
Nebraska State Legislature
State Capitol
Lincoln, Nebraska

Dear Senator Waldron:

In your letter of inquiry you state that you are contemplating the introduction of certain legislation to place the supervision and control of educational service units under the State Department of Education. In connection therewith you have propounded two questions, which are hereinafter discussed.

Your first question is whether the above cited constitutional provision grants to the State Department of Education the supervision of the educational service units, making your proposed legislation unnecessary.

In School Dist. No. 8 v. State Board of Education, 176 Neb. 722, 127 N. W. 2d 458 (1964), the court stated:

> "* * *. The general supervision and administration of the school system of the state by the State Department of Education is thereby a constitutional grant of power dependent only upon implementing legislative action." (176 Neb. at 726.)

We are therefore of the opinion that implementing legislation would be necessary if the supervision and control of educational service units is to be placed under the Department of Education. See, School Dist. No. 8 v. State Board of Education, supra.

Your second question is whether section 2 of Article VII of the Constitution of Nebraska grants to the Commissioner of Education any authority or control over the educational service units without further legislation? No. The Commissioner of Education has only such legal "powers and duties as the Legislature may direct." See, section 4 of Article VII of the Constitution of Nebraska.

Very truly yours,

CLARENCE A. H. MEYER
Attorney General

(Signed) Harold Mosher
Assistant Attorney General

HM:smh

cc: Mr. Vincent D. Brown
Clerk of the Legislature

STANDING COMMITTEE REPORTS
Miscellaneous Subjects

LEGISLATIVE BILL 540. Placed on General File as amended.
Standing Committee amendments to LB 540:

1. On page 3, line 24 after "acquisition," insert "including construction,".

2. On page 4, line 7 after "amount" insert "proposed to be", after "assessed" insert "and"; line 9 strike "and the amount of benefit".

3. On page 7, line 9 after "council" insert "may, not more frequently than", and after "annually" insert a comma.

4. On page 9, strike lines 24 and 25 and insert "Special assessments levied pursuant to"; and on line 26 strike "and".

5. On page 10, line 1 strike "equal annual" and insert "one or more"; and line 7 after "before" insert "due date not more than seven and one half per cent"; and strike line 27.

6. On page 11, strike line 1.

7. On page 13, line 3 after "any" insert "off-street parking".

8. Add a new section 8 to read as follows:

"Sec. 8. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

LEGISLATIVE BILL 541. Placed on General File as amended.
Standing Committee amendments to LB 541:

1. On page 3 lines 7 and 8 strike "not exceeding six per cent per annum" and show as stricken matter, and insert in lieu thereof "established by the mayor and council", and line 8 strike "six" and insert "~~six~~ seven and one half".

2. Add a new section 3 to read as follows:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

(Signed) John J. Cavanaugh, Vice-Chairman

GENERAL FILE

LEGISLATIVE BILL 353. Title read. Considered.

Standing Committee amendment found in the Journal on page 891 for the Fifty-third Day was adopted with 16 ayes, 3 nays and 30 not voting.

Mr. Luedtke offered the following amendment which was adopted:

1. On page 2, line 5, after "retire" insert "; Provided, that any judge holding office on the effective date of this act may complete the term for which he was elected".

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

ANNOUNCEMENT

At the request of the Education Committee, the Legislative Fiscal Analyst's Office is continuing to have available from 4:00 to 6:00 p.m. daily, in Room 1005, general information on State Aid to Education. Senator Warner and other members of the Education Committee will attempt to be available for discussion and comments at all of these meetings.

(Signed) Jerome Warner, Chairman
Education Committee

UNANIMOUS CONSENT—Bracket LB 259

Mr. Marvel asked unanimous consent to bracket LB 259 for discussion as the second order of business on General File, Wednesday, April 11, 1973. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 55. Title read. Considered.

Standing Committee amendment 1 found in the Journal on page 892 for the Fifty-third Day was adopted.

Standing Committee amendment 2 found in the Journal on page 892 for the Fifty-third Day was rejected with 9 ayes, 13 nays and 27 not voting.

Advanced to E & R for Review with 25 ayes, 5 nays and 19 not voting.

LEGISLATIVE BILL 477. Title read. Considered.

Mr. Schmit moved to advance LB 477 to E & R for Review.

Mr. Schmit moved for a Call of the House. The motion prevailed with 23 ayes, 4 nays and 22 not voting.

The Call showed 34 members present.

Mr. Schmit moved the Call be raised. The motion prevailed with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Review with 25 ayes, 3 nays and 21 not voting.

LEGISLATIVE BILL 257. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

UNANIMOUS CONSENT–Bracket LB 7

Mr. Luedtke asked unanimous consent to bracket LB 7 on General File until final action is taken on LB 226. No objections. So ordered.

UNANIMOUS CONSENT–Bracket LB 312

Mr. Schmit asked unanimous consent to bracket LB 312 indefinitely on General File. No objections. So ordered.

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 261. Placed on General File as amended.
Standing Committee amendments to LB 261:

1. On page 2 line 17 strike "life and shall" and insert "~~and shall~~ a minimum of one and not more than ten years upon the first felony conviction under section 28-4,117; a minimum of five and not more than twenty upon the second felony conviction under section 28-4,117; and a mandatory fifty years upon the third felony conviction under section 28-4,117"; strike lines 18 and 19 and show the old matter as stricken; and in line 20 strike "not be allowed".
2. On pages 4 and 5 strike original section 2.
3. Renumber original section 3 as section 2.

LEGISLATIVE BILL 487. Placed on General File as amended.
Standing Committee amendment to LB 487:

1. On page 2 line 5 after "elected" insert "or appointed"; in line 6 strike "county" and after "official" insert "of any political subdivision"; after "the" insert "negligent"; strike "conduct" and insert "~~conduct~~ error or ommission"; in line 7 after "his" insert "lawful"; in line 9 strike "shall" and insert "~~shall~~ may"; in line 13 strike "or" and insert ", ~~or~~" and after "county" insert ", or other political subdivision"; and after line 17 insert: "This act is not to be construed so as to permit a municipality or a county to pay for a judgment obtained against an individual as a result of illegal acts committed by such individual.".

(Signed) Roland A. Luedtke, Chairman

VISITORS

President Marsh introduced 28 Senior students from Verdigre High School, Verdigre and Mr. Paul A. Nestl, teacher.

ADJOURNMENT

At 3:58 p.m., on a motion by Mr. Stull, the Legislature adjourned until 9:00 a.m., Tuesday, April 10, 1973.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL
OF THE
STATE OF NEBRASKA

Volume II

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

CONVENED JANUARY 2, 1973 ADJOURNED JUNE 1, 1973

LINCOLN, NEBRASKA

Compiled
Under Authority of the Legislature
by

VINCENT D. BROWN
Clerk

SIXTY-FIFTH DAY—APRIL 10, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

SIXTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 10, 1973

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Marsh presiding.

PRAYER

The prayer was offered by the Chaplain.

> O Lord our God: We pray once more—but sometimes we wonder what's left to pray for, because we've said it all so many times before, and we don't want to wear thin our welcome.
>
> And sometimes we are unwilling to accept the answer to our prayer, because it is not what we have been expecting.
>
> Yet we continue in this Legislature to feel the burden of being the few who act for the many on matters of importance, and we do need to have our spirits uplifted and held close to the heart of the Eternal, if only for a brief moment each day.
>
> We have been aware of Your Presence, O God, even though we may not always have acted as if You were here.
>
> Continue with us—we ask it once more: Help us today, and stay with us to the end. O Lord our God. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Keyes, F. Lewis and Syas who were excused.

CORRECTIONS FOR THE JOURNAL

Page 1148, line 8, correct spelling of "beliefs"; line 23, correct spelling of "constitutional".

Page 1172, line 32, delete "or" and insert "of".

Page 1177, line 21, show the period as stricken.

Page 1177, line 27, correct the spelling of "distinguished".

The Journal for the Sixty-fourth Day was approved as corrected.

UNANIMOUS CONSENT–Members Excused

Mr. C. Carsten asked unanimous consent to be excused from 11:00 a.m. until 12:00 noon this morning and at 3:30 p.m. this afternoon. No objections. So ordered.

Mr. Duis asked unanimous consent to be excused at 10:00 a.m. for the remainder of the morning. No objections. So ordered.

REPORT OF EMPLOYEES

During the month of March, 1973, there were 139 full- and part-time employees being paid from Fund 1973, Program 121, Legislative Session Services. The total payroll for the month was $53,641.97, of which $1,686.06 was overtime. The total figure includes the State's share of OASI and retirement contributions.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 546. Placed on Select File.

LEGISLATIVE BILL 73. Replaced on Select File as amended.
E & R amendment to LB 73:
1. On page 37, line 11, insert "of" after "copies".

LEGISLATIVE BILL 17. Replaced on Select File as amended.
E & R amendments to LB 17:
1. In the title as amended, line 6, insert "to repeal the original sections;" after the semicolon.
2. In new section 1, line 105 to 110 strike the comma.

LEGISLATIVE BILL 290. Replaced on Select File as amended.
E & R amendments to LB 290:
1. On page 3, line 7, strike the period and insert an underscored semicolon.
2. Add a new section to read:
"Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".
3. In the title, line 5, strike "and"; and in line 5 insert "; and to declare an emergency" after "section".

LEGISLATIVE BILL 364. Replaced on Select File as amended.
E & R amendment to LB 364:
1. In line 3 of the Lewis amendment 7, insert "and" after "director".

LEGISLATIVE BILL 207. Replaced on Select File as amended.
E & R amendment to LB 207:

1. Because of the Marsh amendment adopted 4/9/73, strike the E & R amendments adopted 4/9/73.

LEGISLATIVE BILL 414. Replaced on Select File as amended.
E & R amendments to LB 414:

1. In lieu of the Stromer amendments 1 to 3, strike section 1 and renumbered section 2 and renumber original sections 4 and 5 as sections 1 and 2.
2. In the Stromer amendment 4, strike lines 1 and 2 and insert:
"4. On page 5, strike the new matter in lines 17 and 18 and insert: 'and successfully complete a driver's education and training"; in line 5, insert "license and privilege or" after "the"; and in lines 7 and 8 strike "; and strike the rest of line 18".
3. In the title, strike lines 2 to 7 and all amendments thereto and insert:

"FOR AN ACT to amend section 39-7,129, Reissue Revised
Statutes of Nebraska, 1943, relating to rules
of the road; to require a driver's education and
training course of certain persons;".

(Signed) John J. Cavanaugh, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 277.

A BILL FOR AN ACT to amend section 23-113, Reissue Revised Statutes of Nebraska, 1943, relating to counties; to provide for the care and maintenance of abandoned cemeteries and Indian burial grounds as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Barnett	Burbach	C. Carsten	F. Carstens	Cavanaugh
Chambers	Clark	DeCamp	Dickinson	Duis
Epke	Fellman	Fowler	Goodrich	Johnson
Kelly	Kennedy	Kime	Kremer	R. Lewis

Luedtke Mahoney Maresh Marsh Marvel
Moylan Murphy Nore Proud Rasmussen
Richendifer Schmit Simpson Skarda Snyder
Stromer Stull Waldron Warner Whitney
Wiltse

Voting in the negative, 0.

Not voting, 8:

Anderson Carpenter Hasebroock Keyes F. Lewis
Savage Stahmer Syas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 356.

A BILL FOR AN ACT relating to taxidermists; to provide for permits for taxidermists; to require duties of the permittee; to provide for violations; to provide penalties; and to provide an operative date.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Barnett Burbach F. Carstens Cavanaugh Chambers
Clark DeCamp Dickinson Epke Fellman
Fowler Goodrich Johnson Kelly Kennedy
Kime Kremer R. Lewis Luedtke Mahoney
Maresh Marsh Marvel Moylan Murphy
Nore Proud Rasmussen Richendifer Savage
Schmit Simpson Skarda Snyder Stromer
Stull Waldron Warner Whitney Wiltse

Voting in the negative, 1:

C. Carsten

Not voting, 8:

Anderson Carpenter Duis Hasebroock Keyes
F. Lewis Stahmer Syas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 363.

A BILL FOR AN ACT to amend section 9-103, Uniform Commercial Code; to provide changes relating to the perfection of security interest and the effect of perfection or nonperfection thereof; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Barnett Burbach Carpenter C. Carsten F. Carstens
Cavanaugh Chambers Clark DeCamp Dickinson
Duis Epke Fellman Fowler Goodrich
Hasebroock Johnson Kelly Kennedy Kime
Kremer R. Lewis Luedtke Mahoney Maresh
Marsh Murphy Nore Proud Rasmussen
Richendifer Savage Schmit Simpson Skarda
Snyder Stahmer Stull Waldron Warner
Whitney Wiltse

Voting in the negative, 0.

Not voting, 7:

Anderson Keyes F. Lewis Marvel Moylan
Stromer Syas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 416. With Emergency.

A BILL FOR AN ACT relating to the mentally retarded; to provide for the care, treatment, and training of certain persons and the cost thereof; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Barnett Burbach Carpenter C. Carsten F. Carstens
Cavanaugh Chambers Clark DeCamp Dickinson
Duis Epke Fellman Fowler Goodrich

Hasebroock Johnson Kelly Kennedy Kime
Kremer R. Lewis Luedtke Mahoney Maresh
Marsh Moylan Murphy Nore Proud
Rasmussen Richendifer Savage Schmit Simpson
Skarda Snyder Stahmer Stromer Stull
Waldron Warner Whitney Wiltse

Voting in the negative, 0.

Not voting, 5:

Anderson Keyes F. Lewis Marvel Syas

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 488. Mr. Kremer moved to return LB 488 to Select File for the following specific amendment:

Add the emergency clause.

The motion prevailed with 40 ayes, 0 nays and 9 not voting.

LEGISLATIVE BILL 512. With Emergency.

A BILL FOR AN ACT to amend section 71-2705, Reissue Revised Statutes of Nebraska, 1943, relating to public health; to set the age qualification for massage practice at nineteen; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Barnett Carpenter C. Carsten F. Carstens Cavanaugh
Chambers Clark DeCamp Duis Epke
Fellman Fowler Goodrich Hasebroock Johnson
Kelly Kennedy Kime Kremer R. Lewis
Luedtke Maresh Marsh Moylan Murphy
Nore Proud Rasmussen Richendifer Savage
Schmit Simpson Skarda Snyder Stahmer
Stromer Stull Waldron Warner Whitney
Wiltse

Voting in the negative, 0.

Not voting, 8:

Anderson	Burbach	Dickinson	Keyes	F. Lewis
Mahoney	Marvel	Syas		

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

EXPLANATION OF VOTE

Had I been in the Chamber, I would have voted "aye" on LB 277 and LB 356 on Final Reading.

(Signed) William H. Hasebroock

SELECT FILE

LEGISLATIVE BILL 68. E & R amendments found in the Journal on page 1164 for the Sixty-fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 86. E & R amendments found in the Journal on page 1165 for the Sixty-fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 164. E & R amendments found in the Journal on page 1165 for the Sixty-fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 480. E & R amendments found in the Journal on page 1165 for the Sixty-fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 378. E & R amendments found in the Journal on page 1165 for the Sixty-fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 268. E & R amendments found in the Journal on page 1165 for the Sixty-fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 43A. E & R amendment found in the Journal on page 1166 for the Sixty-fourth Day was adopted.

Bracketed until Wednesday, April 18 at the request of Mr. Carpenter.

LEGISLATIVE BILL 265. E & R amendment found in the Journal on page 1166 for the Sixty-fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 319. E & R amendments found in the Journal on page 1166 for the Sixty-fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 319A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 496A. E & R amendments found in the Journal on page 1166 for the Sixty-fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 402. E & R amendments found in the Journal on page 1166 for the Sixty-fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 408. E & R amendment found in the Journal on page 1167 for the Sixty-fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 511. E & R amendments found in the Journal on page 1167 for the Sixty-fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 244. E & R amendment found in the Journal on page 1167 for the Sixty-fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 491. E & R amendments found in the Journal on page 1167 for the Sixty-fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 455. E & R amendment found in the Journal on page 1168 for the Sixty-fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 501. E & R amendments found in the Journal on page 1168 for the Sixty-fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 504. E & R amendments found in the Journal on page 1168 for the Sixty-fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 226. E & R amendments found in the Journal on page 1169 for the Sixty-fourth Day were adopted.

Mr. Luedtke offered the following amendments which were adopted with 26 ayes, 0 nays and 23 not voting:

1. In the Standing Committee amendments, page 17, strike lines 7 and 8 and insert "pay from the county general fund all such bills found by the"; on line 15 strike "appropriate" and insert "pay"; and on line 16 strike "such amounts as are necessary to pay".

2. Insert two new sections to read as follows:

"Sec. 29. That section 76-717, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-717. Within thirty days after the filing of such notice of appeal, the county judge shall prepare and transmit to the clerk of the district court a duly certified transcript of all proceedings had concerning the parcel or parcels of land as to which the particular condemnee takes the appeal upon payment of the fees provided by law for preparation thereof. When notice of appeal is filed by both the condemner and the condemnee, such transcript shall be prepared only in response to the first notice of appeal; the transcript prepared in response to the second notice of appeal shall contain only a copy of such notice and the proceedings shall be docketed in the district court as a single cause of action. The proceeding shall in all cases be docketed in the district court, showing the condemnee as the plaintiff and the condemner as the defendant. ~~After docketing of the appeal, the issues shall be made up and tried in the district court in the same manner as an appeal from the county court to the district court in a civil action.~~ The appeal shall be tried de novo in the district court. Such appeal shall not delay the acquisition of the property and placing of same to a public use if the condemner shall first deposit with the county judge the amount assessed by the appraisers.

Sec. 30. The provisions of section 29 of this act shall apply to all cases pending on the effective date of this act."

3. Renumber section 29 to 33 as sections 31 to 35.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 374. E & R amendment found in the Journal on page 1171 for the Sixty-fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 220. E & R amendments found in the Journal on page 1171 for the Sixty-fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 498. E & R amendments found in the Journal on page 1171 for the Sixty-fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 306. E & R amendments found in the Journal on page 1172 for the Sixty-fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 307. E & R amendments found in the Journal on page 1172 for the Sixty-fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 475. E & R amendments found in the Journal on page 1172 for the Sixty-fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 488. The Kremer specific amendment found in this day's Journal was adopted with 28 ayes, 0 nays and 21 not voting.

Advanced to E & R for Re-engrossment.

STANDING COMMITTEE REPORTS

Public Works

LEGISLATIVE BILL 45. Placed on General File as amended. (Standing Committee amendments printed and available separate from the Journal.)

(Signed) Maurice A. Kremer, Chairman

UNANIMOUS CONSENT—Change of Order

Mr. Maresh asked unanimous consent to take up LB 546 on Select File at this time. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 546. Mr. Maresh offered the following amendment which was adopted with 29 ayes, 0 nays and 20 not voting:

Reinstate stricken material starting
with line 12 page 2 except 1974 and
insert 1973 after Sept. 1.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Approve Governor Appointments

Mr. Whitney asked unanimous consent to approve the following Governor's appointments found in the Journal on pages 1161, 1162 and 1163 for the Sixty-fourth Day in one vote. No objections. So ordered.

E. K. Yanney – Nebraska Investment Council
Charles Broderson – Code of Ethics Board
Donald R. Treadway – Code of Ethics Board
Thomas D. Doyle – Code of Ethics Board
William E. Peters – Code of Ethics Board
Charles Davey – Department of Economic Development Advisory Committee
John Sullivan – Agricultural Products Industrial Utilization Committee
Ray R. Young – Public Welfare and Public Institutions Advisory Committee

Voting in the affirmative, 39:

Carpenter	C. Carsten	F. Carstens	Cavanaugh	Chambers
Clark	DeCamp	Dickinson	Epke	Fellman
Fowler	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Kime	Kremer	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Moylan
Murphy	Proud	Rasmussen	Richendifer	Savage

Schmit Skarda Snyder Stromer Stull
Waldron Warner Whitney Wiltse

Voting in the negative, 0.

Not voting, 10:

Anderson Barnett Burbach Duis Keyes
F. Lewis Nore Simpson Stahmer Syas

The appointments were confirmed with 39 ayes, 0 nays and 10 not voting.

GENERAL FILE

LEGISLATIVE BILL 449. Title read. Considered.

Mr. F. Carstens offered the following amendments:

1. Insert a new section to read:

"Sec. 3. No nonfluoridated soft drink, candy, or breakfast cereal shall be sold, offered for sale, or held for sale in this state. Fluoridation of such products shall be accomplished in accordance with rules and regulations of the Department of Health.".

2. Renumber original sections 3 and 4 as sections 4 and 5.

Mr. Carpenter requested a record vote on the amendments.

Voting in the affirmative, 9:

F. Carstens Clark Kennedy R. Lewis Maresh
Moylan Savage Skarda Whitney

Voting in the negative, 20:

Anderson Barnett Carpenter C. Carsten Cavanaugh
Chambers Fellman Fowler Goodrich Johnson
Kelly Luedtke Mahoney Marsh Marvel
Murphy Richendifer Snyder Stahmer Waldron

Not voting, 20:

Burbach DeCamp Dickinson Duis Epke
Hasebroock Keyes Kime Kremer F. Lewis
Nore Proud Rasmussen Schmit Simpson
Stromer Stull Syas Warner Wiltse

The amendments lost with 9 ayes, 20 nays and 20 not voting.

Mr. R. Lewis offered the following amendment:

Page 2, Line 5 after the words Water Supply add "by action of the local governing board".

Mr. Snyder moved to amend the R. Lewis amendment as follows:

To wit: In the 1974 May primary election each city in the state of Nebraska in which the water is not now fluoridated, the issue shall be voted upon by electorate of that city.

Mr. Stahmer moved the previous question. The question is, "Shall the debate now cease?" The motion prevailed with 25 ayes, 5 nays and 19 not voting.

The Snyder amendment to the R. Lewis amendment lost with 14 ayes, 21 nays and 14 not voting.

Mr. R. Lewis moved for a Call of the House. The motion prevailed with 24 ayes, 14 nays and 11 not voting.

The Call showed 45 members present.

Mr. Snyder requested a roll call vote on the R. Lewis amendment.

Voting in the affirmative, 20:

Anderson
Barnett
Burbach
F. Carstens
Clark
Dickinson
Epke
Kennedy
Kremer
R. Lewis
Maresh
Murphy
Nore
Proud
Rasmussen
Richendifer
Snyder
Stromer
Stull
Whitney

Voting in the negative, 25:

Carpenter
Cavanaugh
Chambers
DeCamp
Duis
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kime
Luedtke
Mahoney
Marsh
Marvel
Moylan
Savage
Schmit
Simpson
Skarda
Stahmer
Waldron
Warner
Wiltse

Not voting, 4:

C. Carsten
Keyes
F. Lewis
Syas

The R. Lewis amendment lost with 20 ayes, 25 nays and 4 not voting.

Mr. Stull moved the Call be raised. The motion prevailed with 40 ayes, 1 nay and 8 not voting.

Mr. Proud moved to indefinitely postpone.

Motion pending.

RESOLUTION

LEGISLATIVE RESOLUTION 31.

Introduced by Burbach, 19th District.

WHEREAS, there is pending in the House of Representatives of the United States HR 6168 which proposes, among other things, to roll livestock prices back to the level of January 10, 1973, and to regulate the export of hides; and

WHEREAS, the enactment of HR 6168 would have a disastrous effect on the economy of Nebraska and other midwestern states in which the livestock industry is a major factor by forcing a reduction in livestock prices; and

WHEREAS, the enactment of HR 6168 would discourage the production of livestock with a resulting shortage of meat for human consumption; and

WHEREAS, it is expected that HR 6168 will come to a vote in the House of Representatives on Wednesday, April 11, 1973.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature vigorously opposes the enactment of HR 6168 and urges each member of the Nebraska delegation in the United States Senate and House of Representatives to join in such opposition.

2. That the Legislature directs Senator Burbach to chair a special committee of the Legislature to go to Washington to oppose enactment of HR 6168.

3. That Senator Burbach deliver a copy of this resolution to Representative Wright Patman, Chairman of the House Banking and Commerce Committee, Representative W. R. Poage, Chairman of the House Agriculture Committee, each member of the Nebraska delegation in the Senate and House of Representatives, and to Earl Butz, Secretary of Agriculture.

Mr. Burbach moved to suspend the rules and adopt LR 31. The motion prevailed with 37 ayes, 0 nays and 12 not voting.

UNANIMOUS CONSENT—Print in Journal

Mr. Stahmer asked unanimous consent to print the following amendments to LB 121 in the Journal. No objections. So ordered.

1. Strike sections 1 to 3 and insert:

"Section 1. There is hereby created the Nebraska Arts Council to consist of fifteen members to be appointed by the Governor with the approval of the Legislature from among citizens of Nebraska who are known for their professional competence and experience in connection with the arts. In making such appointments, consideration shall be given to recommendations made by representative civic, educational, and professional associations and groups concerned with or engaged in the production or presentation of the arts generally.

Sec. 2. The term of office of each member shall be three years with the terms of one-third of the members expiring every year. No member of the council who serves two consecutive three-year periods shall be eligible for reappointment during a one-year period following the expiration of his term. The Governor shall designate a chairman and a vice-chairman from the members of the council, to serve as such at the pleasure of the Governor. The chairman shall be the chief executive officer of the council. All vacancies shall be filled for the balance of the unexpired term in the same manner as original appointments are made. The members of the council shall not receive any compensation for their services but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties.

Sec. 3. The chairman may, with the approval of the council, employ such officers, experts, and other employees as may be needed and shall fix their compensation within the amounts made available for such purposes.

Sec. 4. The duties of the council shall be:

(1) To stimulate and encourage throughout the state the study and presentation of the performing and fine arts and public interest and participation therein;

(2) To make such surveys as may be deemed advisable of public and private institutions within the state engaged in artistic and cultural activities, including, but not limited to, music, theatre, dance, painting, sculpture, architecture, and allied arts and crafts, and to make recommendations concerning appropriate methods to encourage participation in and appreciation of the arts to meet the legitimate needs and aspirations of persons in all parts of the state;

(3) To take such steps as may be necessary and appropriate to encourage public interest in the cultural

heritage of our state and to expand the state's cultural resources; and

(4) To encourage and assist freedom of artistic expression essential for the well-being of the arts.

Sec. 5. The council may (1) hold public and private hearings, (2) enter into contracts, within the limit of funds available therefor, with individuals, organizations, and institutions for services furthering the educational objectives of the council's programs, (3) enter into contracts, within the limit of funds available therefor, with local and regional associations for cooperative endeavors furthering the educational objectives of the council's programs, (4) to accept gifts, contributions, and bequests of unrestricted funds from individuals, foundations, corporations, and other organizations or institutions for the purpose of furthering the educational objectives of the council's programs, and (5) make and sign any agreements and do and perform any acts that may be necessary to carry out the purposes of this act. The council may request from any department, division, board, bureau, commission, or agency of the state such assistance and data as will enable it properly to carry out its powers and duties.

Sec. 6. The council shall be the official agency of this state to receive and disburse any funds made available by the federal government for programs related to the performing and fine arts.

Sec. 7. All funds received by the council under sections 5 and 6 of this act shall be deposited in the state treasury to the credit of the Nebraska Arts Council Trust Fund which is hereby created and which, when appropriate by the Legislature, shall be expended strictly in accord with any conditions that may be attached at the time of their receipt.

Sec. 8. That Chapter 82, article 3, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

UNANIMOUS CONSENT–Members Excused

Messrs. Burbach, Epke, Kime and Rasmussen asked unanimous consent to be excused this afternoon and the remainder of the week. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 449. Mr. Proud renewed his pending motion found in today's Journal to indefinitely postpone. The motion lost with 14 ayes, 25 nays and 10 not voting.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 546. Replaced on Select File as amended.
E & R amendment to LB 546:
1. In lieu of the Maresh amendment, on page 2 reinstate the stricken matter; and in line 15, strike the reinstated "1974" and insert "~~1974~~ 1973".

(Signed) John J. Cavanaugh, Chairman

UNANIMOUS CONSENT—Change of Order

Mr. Carpenter asked unanimous consent to place LB 540 and LB 541 at the top of General File. No objections. So ordered.

VISITORS

President Marsh introduced 37 3rd and 4th grade students from Dorchester Public School, Dorchester and teachers Mrs. Mary Ann Reiss and Mrs. Margaret Rasmussen.

President Marsh introduced 22 6th grade students from Juniata Elementary School, Juniata and teacher Mrs. Dorothy Harris.

RECESS

At 12:04 p.m., on a motion by Mr. C. Carsten, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:05 p.m., President Marsh presiding.

The roll was called and all members were present except Messrs. Burbach, Epke, Keyes, Kime, F. Lewis, Rasmussen and Syas who were excused.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-engrossed

The following bill was correctly re-engrossed: 110.

Correctly Engrossed

The following bills were correctly engrossed: 36, 43, 68, 68A, 86, 164, 258, 280, 357, 406, 413, 443 and 480.

Correctly Enrolled

The following bills were correctly enrolled: 277, 356, 363, 416 and 512.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following: LB 277, LB 356, LB 363, LB 416 and LB 512.

UNANIMOUS CONSENT–Change of Order

Mr. Maresh asked unanimous consent to take up LB 546 on Select File at this time. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 546. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 449. Considered.

Mr. Maresh offered the following amendments:

1. Add a new section 2 to read as follows:
"Sec. 2. The state shall pay fifty per cent of the total cost, including installation costs, of all necessary machinery and equipment required by any political subdivision to carry out the provisions of section 1 of this act.".
2. Renumber original sections 2 to 4 as sections 3 to 5.

Mr. Maresh moved for a Call of the House. The motion prevailed with 19 ayes, 11 nays and 19 not voting.

The Call showed 42 members present.

Mr. Maresh requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Anderson Barnett F. Carstens Clark Duis
Hasebroock Kelly Kennedy Kremer Maresh
Nore Snyder Stromer Waldron Warner
Whitney Wiltse

Voting in the negative, 25:

Carpenter C. Carsten Cavanaugh Chambers DeCamp
Dickinson Fellman Fowler Goodrich Johnson
R. Lewis Luedtke Mahoney Marsh Marvel
Moylan Murphy Proud Richendifer Savage
Schmit Simpson Skarda Stahmer Stull

Not voting, 7:

Burbach Epke Keyes Kime F. Lewis
Rasmussen Syas

The amendment lost with 17 ayes, 25 nays and 7 not voting.

Mr. Stull moved the Call be raised. The motion prevailed with 28 ayes, 0 nays and 21 not voting.

Mr. R. Lewis offered the following amendment:

1. On page 2, line 1, strike "Any" and insert "(1) Except as provided in subsection (2) of this section, any"; and after line 6 insert:

"(2) Flouride shall not be added to the water supply of any city or village in which the voters have, after the effective date of this act, adopted an ordinance by initiative prohibiting the adding of flouride to its water supply. The procedure for the adoption of any such ordinance shall be that provided in Chapter 18, article 1, Reissue Revised Statutes of Nebraska, 1943.".

Mr. Johnson moved for a Call of the House. The motion lost with 13 ayes, 23 nays and 13 not voting.

The R. Lewis amendment was adopted with 21 ayes, 17 nays and 11 not voting.

Advanced to E & R for Review with 31 ayes, 9 nays and 9 not voting.

LEGISLATIVE BILL 449A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 131. Bracketed until April 17 at the request of Mr. Snyder.

LEGISLATIVE BILL 540. Title read. Considered.

Standing Committee amendments found in the Journal on page 1178 for the Sixty-fourth Day were adopted.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 541. Title read. Considered.

Standing Committee amendments found in the Journal on page 1179 for the Sixty-fourth Day were adopted.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

UNANIMOUS CONSENT–Unbracket LB 396

Mr. Mahoney asked unanimous consent to unbracket LB 396 on General File. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 396. Title read. Considered.

Mr. Mahoney offered the following amendments which were adopted:

1. On page 4, after line 17, insert:

"Sec. 2. That section 72-1256, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-1256. On or before ~~March~~ January 1 of each year, the state investment officer shall transmit a report to the Governor and the Legislature of his work for the preceding ~~calendar~~ fiscal year.".

2. Renumber original section 2 as section 3.

3. On page 4, line 18, strike "section 72-1246" and insert "sections 72-1246 and 72-1256"; and in line 19 strike "is" and insert "are".

Bracketed at the request of Mr. Carpenter.

LEGISLATIVE BILL 17A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 349. Title read. Considered.

Standing Committee amendments found in the Journal on page 833 for the Fiftieth Day were adopted.

Advanced to E & R for Review with 30 ayes, 0 nays and 19 not voting.

LEGISLATIVE BILL 411. Title read. Considered.

Standing Committee amendments found in the Journal on page 833 for the Fiftieth Day were adopted.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

UNANIMOUS CONSENT—Change of Order

Mr. Carpenter asked unanimous consent to take up LB 547 on General File at this time. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 547. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

UNANIMOUS CONSENT—Change of Order

Mr. Whitney asked unanimous consent to take up LB 469 on General File at this time. No objections. So ordered.

LEGISLATIVE BILL 469. Title read. Considered.

Standing Committee amendments found in the Journal on page 893 for the Fifty-third Day were adopted.

Mr. Chambers offered the following amendments which were adopted:

Line 3 - Starting with "State Employees" strike remainder of Line 3 and Lines 4, 5, and 6 through word "year". And substitute the following.

State employees who complete five years of continuous employment by the state shall be entitled to 120 hours vacation leave during their sixth year of employment and shall thereafter be entitled to eight additional hours vacation leave with full pay for each additional year of continuous state employment up to a maximum of two hundred hours vacation leave a year.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

UNANIMOUS CONSENT–Change of Order

Mr. Snyder asked unanimous consent to take up LB 92 on General File at this time. Mr. Waldron objected.

UNANIMOUS CONSENT–Unbracket LB 43A

Mr. Carpenter asked unanimous consent to unbracket LB 43A on Select File. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 43A. Advanced to E & R for Engrossment.

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 302. Placed on General File as amended.
Standing Committee amendments to LB 302:

1. On page 2, line 17, insert ", and to coordinate and integrate such programs with other human service programs" after "needs".

2. On page 3, line 14, strike "receipts" and insert "fees"; in line 15, insert a comma after "patients" and strike "or"; in line 16, insert ", or third party payments" after "services"; in line 17, strike "two or more counties" and insert "three or more counties with a minimum population of seventy-five thousand persons"; in line 20, insert the following after the period: "The mental health regions shall consist of the following counties:

(a) Region I shall consist of Sioux, Dawes, Box Butte, Sheridan, Scotts Bluff, Morrill, Garden, Banner, Kimball, Cheyenne, and Deuel coutnies;

(b) Region II shall consist of Grant, Hooker, Thomas, Arthur, McPherson, Logan, Keith, Lincoln, Perkins, Chase, Hayes, Frontier, Dawson, Gosper, Dundy, Hitchcock, and Red Willow counties;

(c) Region III shall consist of Blaine, Loup, Garfield, Wheeler, Custer, Valley, Greeley, Sherman, Howard, Buffalo, Hall, Phelps, Kearney, Adams, Clay, Furnas, Harlan, Hamilton, Merrick, Franklin, Webster, and Nuckolls counties;

(d) Region IV shall consist of Cherry, Keya Paha, Boyd, Brown, Rock, Holt, Knox, Cedar, Dixon, Dakota, Thurston, Wayne, Pierce, Antelope, Boone, Nance, Madison, Stanton, Cuming, Burt, Colfax, Platte, Butler, and Polk counties;

(e) Region V shall consist of Saunders, York, Seward, Lancaster, Otoe, Fillmore, Saline, Thayer, Jefferson, Gage, Johnson, Nemaha, Pawnee, and Richardson counties; and

(f) Region VI shall consist of Dodge, Washington, Douglas, Sarpy, and Cass counties.".

3. On page 4, line 5, insert after the semicolon "(5) require budgets to be submitted by each region, such budgets shall detail expected expenditures, projected levels of services, and revenue; (6) evaluate submitted budgets to determine the state's share of funding requirements and the services to be rendered;"; strike original "(5)" and insert "(7)"; strike beginning with "counties" in line 17 through the period in line 18 and insert "regional boards described herein to assist in the administration or provision of all mental health services and programs provided for in this act within the region. Such contracts shall not provide for more than fifty dollars per day payment for in-patient services. Such contracts shall not provide for more than three hundred fifty dollars per month total payment for such services.".

4. On page 5, line 1, insert ", which are supported in whole or in part by state funds provided by this act" after "private"; in lines 6, 21, and 26, strike "of trustees"; in line 6, insert "governing" after "a"; in line 21, insert "governing" after "the"; in line 26, insert "governing" after "The"; in line 9, strike the period and insert ", and may contract with public or private nonprofit organizations offering mental health, alcohol, or drug abuse programs. Such contracts shall be approved by the director."; and in line 19, strike "center" and insert "services".

5. On page 6, line 2, insert "or by contract" after "directly"; in line 4, strike the comma and insert a semicolon; strike beginning with "such" in line 5 through the semicolon in line 6; in line 11, strike "paid by" and insert "requested of"; and in lines 15 and 19, strike "of trustees" and insert "governing" after "The" in line 15 and after "the" in line 19.

6. On page 7, lines 3 and 10, strike "of trustees"; insert "governing" after "any" in line 3, and after "regional" in line 10; in line 9, insert a comma after "committee", strike "or" and insert "one", insert "governing" after "regional", and insert "member" after "board"; and strike section 9 and insert a new section to read:

"Sec. 9. The six mental health regional governing boards may offer comprehensive community mental health, drug abuse, and alcoholism programs, services, and facilities. The boards shall provide funds for such community-based projects. Federal funding, private sources, third party payments, and fees collected under sections 83-1,144 and 83-1,145, Reissue Revised Statutes of Nebraska, 1943, may be used as sources of necessary funds.

The state shall reimburse the counties in a specific mental health region with up to seventy-five per cent of the tax dollars provided by the counties.".

7. On page 8, line 11, strike "for the medically ill".

8. On page 9, strike section 14 and insert a new section to read:

"Sec. 14. Persons receiving mental health, drug abuse, and alcoholism services shall be charged fees in accordance with their ability to pay but not in excess of actual cost. After consultation with the state citizens advisory committee, the director shall prepare and adopt a uniform patient fee schedule to be used by the governing board in all mental health facilities, programs, and services funded in whole or in part under the provisions of this act. Scheduled fees may be reduced or waived by authorization of the program administrator as may be considered necessary to further the objectives of the facilities, programs, and services.".

(Signed) Thomas C. Kennedy, Chairman

ANNOUNCEMENT

Mr. Luedtke announced the Judiciary Committee would meet in executive session immediately upon adjournment.

ADJOURNMENT

At 3:55 p.m., on a motion by Mr. Maresh, the Legislature adjourned until 9:00 a.m., Wednesday, April 11, 1973.

Vincent D. Brown
Clerk of the Legislature

SIXTY-SIXTH DAY—APRIL 11, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE FIRST SESSION

SIXTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 11, 1973

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Marsh presiding.

PRAYER

Prayer was offered by the Chaplain.

> Almighty and all merciful God; source of all life; Father of all spirits; author of all good: we begin this important day in prayer—not because we are worthy, but because we are needy. We confess that the problems we have come to consider are ours—they are man-made; but whatever the ability we have to solve them, it is not ours; it must be God-given!
>
> Somehow make us equal to the large demands of the present hour. Lest we become timid in the face of criticism, remind us that our citizens don't sit in the seats of responsibility which have been assigned to us. Lest we become complacent in the face of our authority, remind us that if anything we decide here is in fact to happen, it is the tax-payer who must do it. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Burbach, Epke, Kime and Rasmussen who were excused; Mr. Fowler who was excused until 11:00 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixty-fifth Day was approved.

UNANIMOUS CONSENT—Member Excused

Mr. Hasebroock asked unanimous consent to be excused at 10:00 a.m. this morning. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 180. Replaced on Select File as amended.
E & R amendment to LB 180:

1. In line 3 of E & R 2, adopted 4/9/73, strike the comma.

LEGISLATIVE BILL 378A. Replaced on Select File as amended.
E & R amendment to LB 378A:

1. On page 2, line 4, insert "Revolving" before "Fund".

LEGISLATIVE BILL 226. Replaced on Select File as amended.
E & R amendments to LB 226:

1. In standing committee amendments, page 19, line 8, strike "and 29-2709" and insert "29-2709, and 76-717".
2. In the title, as amended, line 7, strike "and 29-2709" and insert "29-2709, and 76-717".

LEGISLATIVE BILL 503. Placed on Select File as amended.
E & R amendments to LB 503:

1. In standing committee amendment 1, line 3, insert "and show as stricken" after "12".
2. In the title, strike lines 2 to 5 and insert:

"FOR AN ACT relating to service of process; to change provisions for service on a corporation; to provide for service on political subdivisions; to amend section 25-511, Revised Statutes Supplement, 1972; and to repeal the original section.".

LEGISLATIVE BILL 517. Placed on Select File as amended.
E & R amendments to LB 517:

1. Renumber original section 1 as section 2 and section 2 as section 1.
2. In the title, strike lines 2 to 4 and insert:

"FOR AN ACT relating to real property; to provide a standard of care for title examiners; and to repeal sections 76-503 and 76-601 to 76-644, Reissue Revised Statutes of Nebraska, 1943.".

LEGISLATIVE BILL 518. Placed on Select File.

LEGISLATIVE BILL 519. Placed on Select File as amended.
E & R amendments to LB 519:

1. On page 3, line 13, strike the comma and insert "~~,~~and"; in line 14, insert "and" after the comma; and in line 15, strike the first comma.

2. In the title, line 5, strike "and"; and in line 6, insert "; and to declare an emergency" after "section".

LEGISLATIVE BILL 521. Placed on Select File as amended.
E & R amendments to LB 521:

1. On page 2, line 9, strike "of" and insert "~~of~~ for".

2. In the title, strike lines 4 to 6 and insert "district courts, civil procedure; to provide how damages shall be stated in petitions; and".

LEGISLATIVE BILL 436. Placed on Select File as amended.
E & R amendment to LB 436:

1. In the title, strike lines 2 to 8 and insert:

"FOR AN ACT to amend section 43-104, Revised Statutes Supplement, 1972, relating to adoption; to provide an alternative to the consent required for adoption; and to repeal the original section.".

LEGISLATIVE BILL 353. Placed on Select File as amended.
E & R amendment to LB 353:

1. In the title, line 5, strike "seventy" and insert "seventy-two except as prescribed".

LEGISLATIVE BILL 477. Placed on Select File as amended.
E & R amendment to LB 477:

1. On page 2, line 2, strike the first "the" and insert "such"; in lines 2 and 17 strike "State"; and in line 10 insert "for such purpose" after "available".

LEGISLATIVE BILL 257. Placed on Select File.

(Signed) John J. Cavanaugh, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on April 11, 1973 at 8:10 a.m.: LB 277, LB 356, LB 363, LB 416 and LB 512.

(Signed) Barbara Jackson, Enrolling Clerk

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 254. With Emergency.

A BILL FOR AN ACT to amend section 81-1504, Revised Statutes Supplement, 1972, relating to the Department of Environmental Control; to change the powers and duties of the department; to delete the provision restricting power to adopt standards and criteria; to provide a restriction on rules and regulations; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Anderson
Barnett
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
DeCamp
Dickinson
Duis
Fellman
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kremer
F. Lewis
Luedtke
Mahoney
Maresh
Marsh
Moylan
Murphy
Proud
Richendifer
Savage
Schmit
Simpson
Skarda
Snyder
Stahmer
Stromer
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 3:

Clark
R. Lewis
Nore

Not voting, 7:

Burbach
Epke
Fowler
Kime
Marvel
Rasmussen
Stull

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 381. With Emergency.

A BILL FOR AN ACT to amend section 53-127, Reissue Revised Statutes of Nebraska, 1943, relating to liquor; to provide for licenses for consumption on certain lands controlled by airport authorities; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 29:

Anderson Carpenter Cavanaugh DeCamp Dickinson
Duis Fellman Goodrich Kelly Keyes
F. Lewis Luedtke Mahoney Marsh Moylan
Murphy Proud Richendifer Savage Schmit
Simpson Skarda Snyder Stahmer Stromer
Syas Waldron Warner Whitney

Voting in the negative, 7:

C. Carsten F. Carstens Kennedy Maresh Nore
Stull Wiltse

Not voting, 13:

Barnett Burbach Chambers Clark Epke
Fowler Hasebroock Johnson Kime Kremer
R. Lewis Marvel Rasmussen

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed with the emergency clause attached, the question is, "Shall the bill pass with the emergency clause stricken?"

Mr. Kelly moved for a Call of the House. The motion prevailed with 21 ayes, 13 nays and 15 not voting.

Mr. DeCamp moved the Call be raised. The motion prevailed with 30 ayes, 2 nays and 17 not voting.

Voting in the affirmative, 26:

Anderson Cavanaugh DeCamp Dickinson Fellman
Goodrich Kelly Keyes F. Lewis Luedtke
Mahoney Marsh Marvel Moylan Murphy
Proud Richendifer Savage Schmit Simpson
Skarda Snyder Stahmer Stromer Syas
Warner

Voting in the negative, 8:

C. Carsten F. Carstens Clark Kennedy Maresh
Nore Stull Wiltse

Not voting, 15:

Barnett Burbach Carpenter Chambers Duis

Epke Fowler Hasebroock Johnson Kime
Kremer R. Lewis Rasmussen Waldron Whitney

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

LEGISLATIVE BILL 405.

A BILL FOR AN ACT to amend section 44-221, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to provide for the payment of surplus notes issued; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Anderson Barnett C. Carsten F. Carstens Cavanaugh
Chambers Clark DeCamp Dickinson Fellman
Goodrich Hasebroock Johnson Kelly Kennedy
Keyes Kremer F. Lewis R. Lewis Luedtke
Maresh Marsh Marvel Moylan Murphy
Nore Proud Richendifer Savage Schmit
Simpson Skarda Snyder Stahmer Stromer
Stull Syas Waldron Warner Whitney
Wiltse

Voting in the negative, 0.

Not voting, 8:

Burbach Carpenter Duis Epke Fowler
Kime Mahoney Rasmussen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 431. With Emergency.

A BILL FOR AN ACT to amend sections 81-1120.08 and 81-1120.09, Reissue Revised Statutes of Nebraska, 1943, relating to state administrative departments; to provide the maximum charge for telecommunicating; to change to a cash fund; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Anderson	Barnett	Carpenter	C. Carsten	F. Carstens
Cavanaugh	Clark	DeCamp	Dickinson	Fellman
Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	Kremer	F. Lewis	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Moylan
Murphy	Nore	Proud	Richendifer	Savage
Schmit	Simpson	Skarda	Snyder	Stahmer
Stromer	Stull	Syas	Waldron	Warner
Whitney	Wiltse			

Voting in the negative, 0.

Not voting, 7:

Burbach	Chambers	Duis	Epke	Fowler
Kime	Rasmussen			

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

EXPLANATION OF VOTE

Mr. F. Lewis announced that if he had been present yesterday he would have voted "aye" on LR 31, LB 363 and LB 416.

MOTION—Suspend the Rules

Mr. Stull moved to suspend the Rules to consider LR 29 at this time. The motion prevailed with 30 ayes, 0 nays and 19 not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 29. LR 29 was adopted with 36 ayes, 0 nays and 13 not voting.

SELECT FILE

LEGISLATIVE BILL 73. E & R amendment found in the Journal on page 1183 for the Sixty-fifth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 17. E & R amendments found in the Journal on page 1183 for the Sixty-fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 290. E & R amendments found in the Journal on page 1183 for the Sixty-fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 364. E & R amendment found in the Journal on page 1183 for the Sixty-fifth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 207. E & R amendment found in the Journal on page 1184 for the Sixty-fifth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 414. E & R amendments found in the Journal on page 1184 for the Sixty-fifth Day were adopted.

Advanced to E & R for Engrossment.

MOTION—Rule Changes

Mr. Duis moved the adoption of the Rules Committee report referred to in the Journal on page 1177 for the Sixty-fourth Day.

Mr. Fellman moved the previous question. The question is, "Shall the debate now cease?" The motion prevailed with 25 ayes, 0 nays and 24 not voting.

Rule Change No. 5 to Rule 2, Sec. 3(b) (iii) was rejected with 2 ayes, 25 nays and 22 not voting.

Mr. Luedtke offered the following amendment to Rule 2, Sec. 3(b) (iv):
Amend subsection (iv) to strike "or one" and insert
in lieu thereof "and any".

The amendment was adopted with 25 ayes, 1 nay and 23 not voting.

Mr. Carpenter moved the previous question. The question is "Shall the debate now cease?" The motion prevailed with 26 ayes, 8 nays and 15 not voting.

The amendment to Rule 2, Sec. 3(b) (iv), as amended, was rejected 10 ayes, 21 nays and 18 not voting.

Mrs. Marsh offered the following rule change to Rule 2, Sec. 3(b) (ii):
(ii) Officers and employees of the Legislature and student assistants

Mr. Kremer moved this Rule Change be referred to the Rules Committee. The motion prevailed.

Mr. Carpenter moved to amend Rule Change No. 6 to Rule 4, Sec. 3 as follows:
Line 3 insert an ex officio member.
Line 3 strike "with full voting rights".

The amendment was adopted.

Mr. Kremer offered the following amendment to Rule 4, Sec. 3 which was adopted:
and shall be limited to a study of that resolution only.

Rule Change No. 6 to Rule 4, Sec. 3, as amended, was adopted with 30 ayes, 1 nay and 18 not voting.

Rule Change No. 7 to Rule 4, Sec. 2 was adopted with 30 ayes, 0 nays and 19 not voting.

Mr. Duis moved Rule Change No. 8 to Rule 3, Sec. 12 be adopted.

Mr. Carpenter moved the previous question. The question is, "Shall the debate now cease?" The motion prevailed with 29 ayes, 0 nays and 20 not voting.

Rule Change No. 8 to Rule 3, Sec. 12 was rejected with 21 ayes, 17 nays and 11 not voting.

EXPLANATION OF VOTE

Had I been present Tuesday, April 10, I would have voted "aye" on LB 277, LB 356 LB 416 and LR 31.

(Signed) George Syas

UNANIMOUS CONSENT—Bracket LB 445

Mr. F. Lewis asked unanimous consent to bracket LB 445 for debate on General File for Monday, April 16. Mr. Whitney objected.

Mr. F. Lewis moved to bracket LB 445 on General File for Monday, April 16.

Mr. F. Lewis moved for a Call of the House. The motion prevailed with 23 ayes, 5 nays and 21 not voting.

Mr. Stull moved the Call be raised. The motion prevailed with 31 ayes, 0 nays and 18 not voting.

The F. Lewis motion prevailed with 27 ayes, 8 nays and 14 not voting.

MESSAGES FROM THE GOVERNOR

April 10, 1973

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 182, 182A, 250, 282, 309, 324, 344, 346, 384, 412, 429, 430, 441, 457, 463, 489, and 523.

These bills were signed by me on April 9, 1973 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

April 10, 1973

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Legislative Bills Nos. 25 and 380.

These bills were signed by me on April 10, 1973 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

MOTION—Rule Change

Mr. Snyder offered the following rule change to Rule 2, Section 2:

Amend Rule 2, Section 2 to read:

Rule changes shall be allowed to be proposed for the first 10 days of each session. After the Legislature has adopted its rules of procedure for that session the rules may only be suspended by a four-fifths majority of the elected members by a machine vote, and may only be amended by a four-fifths majority vote of the members elected. Provided, any proposed amendment must first be referred to the Committee on Rules for consideration and report.

Referred to the Rules Committee.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 574. By Fellman, 4th District, at the Request of the Governor.

A BILL FOR AN ACT to amend section 28-743, Reissue Revised Statutes of Nebraska, 1943, and section 28-729.01, Revised Statutes Supplement, 1972, relating to crimes and punishments; to provide penalties for certain offenses against law enforcement officers; to provide a minimum term of imprisonment; and to repeal the original sections.

REFERENCE COMMITTEE REPORT

LB	**Committee**
574	Judiciary

(Signed) Terry Carpenter, Chairman
Executive Board

RESOLUTION

LEGISLATIVE RESOLUTION 32. By Carpenter, 48th District.

WHEREAS, Federal funding for student loan programs have been reduced and may be eliminated; and

WHEREAS, Authorization is required for the state to borrow money for the purpose of making student loans.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That at the general election in November, 1974, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article XIII, section 3, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 3. The credit of the state shall never be given or loaned in aid of any individual, association, or corporation, except that the state may guarantee or make long-term, low-interest loans to Nebraska residents seeking adult or post high school education at any public or private institution in this state. Qualifications for and the repayment of such loans shall be as prescribed by the Legislature. In order to provide funds for the making of such loans, the Legislature may provide for the state to borrow not to exceed fifty million dollars, issue bonds therefor, and pledge the credit of the state for the repayment thereof as the Legislature shall prescribe.".

2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

> "Constitutional amendment to authorize the Legislature to provide for the state to borrow not to exceed fifty million dollars for the purpose of making student loans, issue bonds therefor, and pledge the credit of the state for repayment thereof as the Legislature shall prescribe.
>
> For
>
> Against"

3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Laid over.

MOTION—Return LB 397 to Select File

Mr. Clark moved to return LB 397 to Select File for the following specific amendments:

1. Add a new section 4 to read as follows:

"Sec. 4. That section 66-428, Revised Statutes Supplement, 1972, be amended to read as follows:

66-428. There is hereby levied and imposed an excise tax of eight and one half cents per gallon upon the use of all motor vehicle fuels, as defined by section 66-401, used in this state, and due the State of Nebraska under the provisions of section 66-410 or Chapter 66, article 6; Provided, that such excise tax after January 1, 1973, shall be five and one half cents per gallon on motor fuel containing a minimum of ten per cent blend of agricultural ethyl alcohol of at least one hundred ninety proof, and eight and one half cents per gallon on gasoline which does not contain such a blend. ~~Use~~ Users of motor vehicle fuels subject to taxation under this section shall be allowed the same exemptions, deductions, and rights of reimbursement as are authorized and permitted by sections 66-413 and 66-414. For purposes of this section and section 66-429, use shall mean the purchase or consumption of motor vehicle fuels in this state.".

2. Renumber section 4 as section 5.

3. On page 3, line 12 before "are" insert "and section 66-428, Revised Statutes Supplement, 1972,".

The motion prevailed with 27 ayes, 0 nays and 22 not voting.

SELECT FILE

LEGISLATIVE BILL 397. The Clark specific amendments found in this day's Journal were adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Engrossment.

MOTION—Return LB 492 to Select File

Mr. Whitney moved to return LB 492 to Select File for the following specific amendment:

1. On page 2, line 12, insert "(1)" after "except"; and in line 16, insert ", and (2) such part-time employees who are members of the system" after "board."

The motion prevailed with 25 ayes, 0 nays and 24 not voting.

SELECT FILE

LEGISLATIVE BILL 492. The Whitney specific amendment found in today's Journal was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Re-engrossment.

MOTION—Return LB 246 to Committee

Mr. Carpenter moved to refer LB 246 back to the Miscellaneous Subjects Committee for reconsideration.

The motion prevailed with 25 ayes, 0 nays and 24 not voting.

UNANIMOUS CONSENT–Member Excused

Mr. Stull asked unanimous consent to be excused this afternoon. No objections. So ordered.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Re-engrossed

The following bill was correctly re-engrossed: 488.

Correctly Engrossed

The following bills were correctly engrossed: 145, 148, 179, 193, 265 and 378.

(Signed) John J. Cavanaugh, Chairman

VISITORS

President Marsh introduced 28 5th grade students from Stanton Public School, Stanton and teacher Lynn McConnell.

President Marsh introduced 29 6th grade students from Seward Elementary School, Seward and teachers Mrs. Kirkland and Mr. Voss.

President Marsh introduced 15 4th grade students from Centennial School, Waco and teacher Mrs. Enid Piper.

President Marsh introduced 41 Seniors from Hebron High School, Hebron and teacher Mr. Robert Fisher.

President Marsh introduced 39 8th grade students from Bennington Public School, Bennington, 3 adults and teacher Mrs. Eileen Borchers.

President Marsh introduced 48 4th grade students from Clare McPhee School, Lincoln, 4 adults and teachers Mrs. Myles and Miss Burns.

RECESS

At 11:42 a.m., on a motion by Mr. Stull, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:07 p.m., Speaker Proud presiding.

The roll was called and all members were present except Messrs. Burbach, Epke, Hasebroock, Kime, Rasmussen and Stull who were excused.

UNANIMOUS CONSENT—Members Excused

Messrs. Moylan and Nore asked unanimous consent to be excused Friday, April 13. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 259. Mr. Marvel asked unanimous consent to consider LB 259 as second order of business on General File Monday, April 16. No objections. So ordered.

LEGISLATIVE BILL 343. Title read. Considered.

Standing Committee amendments found in the Journal on page 868 for the Fifty-second Day were read.

Mr. Carpenter asked to divide the question and consider the Standing Committee amendments one at a time.

Standing Committee amendment No. 1 was adopted with 27 ayes, 1 nay and 21 not voting.

Standing Committee amendment No. 2 lost with 13 ayes, 23 nays and 13 not voting.

Standing Committee amendment No. 3 was adopted with 25 ayes, 1 nay and 23 not voting.

Standing Committee amendment No. 4 was adopted with 24 ayes, 0 nays and 25 not voting.

Advanced to E & R for Review with 26 ayes, 3 nays and 20 not voting.

MOTION—Friday Session

Mr. Whitney moved we have session on Friday, April 13.

Mr. Carpenter moved to amend the motion that when we adjourn today, we adjourn until 9:00 a.m. in the morning and take up non-controversial bills on General File. When we adjourn tomorrow to adjourn until 10:00 a.m. Monday, April 16. The motion prevailed with 25 ayes, 13 nays and 11 not voting.

ANNOUNCEMENT

Mr. Luedtke announced that the Judiciary Committee would have an Executive Session today immediately after adjournment in the Legislative Council Hearing Room, Room 2102.

UNANIMOUS CONSENT—Member Excused

Mr. Waldron asked unanimous consent to be excused Monday, April 16. No objections. So ordered.

STANDING COMMITTEE REPORT
Judiciary

LEGISLATIVE BILL 563. Placed on General File as amended.
Standing Committee amendments to LB 563:

1. Strike original sections 4 to 11 and renumber sections 12 to 61 as sections 4 to 53 respectively.
2. On page 25, strike lines 19 and 20.
3. On page 26, lines 22 and 23 strike the new matter.
4. On page 27, line 5 strike the new matter.
5. On page 43, line 24 insert "and" after the semicolon and line 26 strike "; and" and insert a new period.
6. On page 44 strike lines 1 and 2.
7. On page 45, line 2 strike the new matter and insert "Governor". line 4 insert "with the advice of the Legislature" after "Services", and line 12 strike the new matter and insert "Governor".
8. On page 47, line 11 strike the new matter and insert "Department of Correctional Services,".
9. On page 48, line 16 strike "and", lines 17 and 18 reinstate the stricken matter, line 18 insert "Department of Correctional Services" after "Institutions".
10. On page 51, line 12 strike "between Lincoln and Omaha" and show as stricken matter.
11. Strike original section 62 and renumber sections 63 to 65 as sections 54 to 56 respectively.
12. On page 55, line 27 insert "and" before "(5)".
13. Strike original section 66 and renumber sections 67 to 73 as sections 57 to 64 respectively.
14. On page 56, strike lines 1 and 2 and insert "Rehabilitation Center.", line 8 strike "the Nebraska Center for Children and Youth", line 13 insert "and the Legislature" after "Governor", and line 25 strike "biennium" and insert "year".
15. Strike original section 73 and renumber section 74 as section 65.
16. Strike original section 75 and renumber section 76 as section 66.

17. Strike original section 77 and renumber sections 78 to 89 as sections 67 to 78 respectively.

(Signed) Roland A. Luedtke, Chairman

VISITORS

Speaker Proud introduced 68 Fourth and Fifth Grade students from Central Elementary School, Bellevue, and teachers Mrs. Anne Brannen, Mrs. Wren Gregory, Miss Pat Corby and Mrs. Mary Fiola.

Speaker Proud introduced 36 Eighth Grade students from Jackson School, Omaha, and Principal, Mrs. Edmae Swain; Teachers Mr. Robert Longacre and Mrs. Mildred Gridley and Mrs. Beverly Jones.

MOTION ADJOURNMENT

At 3:51 p.m., Mr. Carpenter moved to adjourn until 9:00 a.m. Thursday, April 12. The motion prevailed with 19 ayes, 15 nays and 15 not voting.

Vincent D. Brown
Clerk of the Legislature

SIXTY-SEVENTH DAY—APRIL 12, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

SIXTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 12, 1973

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Proud presiding.

PRAYER

The prayer was offered by the Chaplain.

> For ties that continue to bind us together, even when the going is rough; for common purposes we continue to recognize as larger than we are, even when the business at hand taxes our patience and our constituents; for the privilege of sharing in the inspirations—as well as the frustrations—of events which make headlines . . . causing folks back home to smile, or to stop smiling; for the conviction we share that what helps our district helps our state; and what helps our state helps people; and what helps people is always right; for anything that may happen during today's session to deepen this conviction, and give it practical application; we now ask Your help, O Lord our God. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Burbach, Epke, Kime and Rassmussen who were excused; Mr. Fowler who was absent until 10:00 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixty-sixth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 254, 381, 405, 431 and LR 29.

(Signed) John J. Cavanaugh, Chairman

SPEAKER SIGNS

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LB 254, LB 381, LB 405, LB 431 and LR 29.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 511. Replaced on Select File as amended.
E & R amendment to LB 511:
1. On page 3, line 18, strike "by so doing".

LEGISLATIVE BILL 244. Replaced on Select File as amended.
E & R amendment to LB 244:
1. In the title, strike lines 2 to 7 and insert:
"FOR AN ACT relating to counties; to provide for payment to the county treasurer for certain services pursuant to agreement.".

LEGISLATIVE BILL 491. Replaced on Select File as amended.
E & R amendment to LB 491:
1. On page 5, line 13, insert an underscored comma after "inches"; and in line 20 strike "sections" and insert "~~sections~~ section".

LEGISLATIVE BILL 397. Replaced on Select File as amended.
E & R amendments to LB 397:
1. Renumber section 4 added by standing committee amendment as section 5 and original section 4 as section 6.
2. In the title, line 3, insert ", and section 66-428, Revised Statutes Supplement, 1972" after "1943"; and in line 5 immediately after the semicolon insert "to correct defective language;".

LEGISLATIVE BILL 449. Placed on Select File as amended.
E & R amendment to LB 449:
1. In the title, line 4, strike the semicolon and insert "except as prescribed; to provide an operative date;".

LEGISLATIVE BILL 449A. Placed on Select File.

LEGISLATIVE BILL 540. Placed on Select File as amended.
E & R amendments to LB 540:
1. On page 2, line 21, strike "any property," and show stricken; and in line 24 insert an underscored comma after "facility".

2. On page 3, line 7, strike "such" and insert "which".

3. In standing committee amendment 2, line 2, strike " 'assessed' " and insert "the second comma".

4. On page 4, strike the comma in lines 8 and 9.

5. On page 5, line 11, strike the comma, and in line 22 strike the second comma.

6. On page 6, insert an underscored comma at the end of line 4; and in lines 15 and 16 and line 25 strike "subsection (2) of this section" and insert "this subdivision".

7. On page 7, line 5, insert "the" after the first "of"; and in line 9 strike "shall".

8. In standing committee amendment 3, line 2, strike "a" and insert "an underscored".

9. In standing committee amendment 5, line 2, insert "of" after "date"; and in line 3 insert "per annum" after "cent".

10. On page 10, line 7, strike the comma; and in line 8 strike ", in such manner".

11. In standing committee amendment 5, line 3, and amendment 6, insert "and show as stricken" before the period.

12. On page 11, line 6, strike "such" and insert "the".

13. In standing committee amendment 7, line 1, insert "the second" after "after".

14. On page 13, insert "that" at the end of line 5; in line 9 strike the comma; in lines 12 and 16 strike the comma and insert "and"; in line 19 strike "to" and insert "in"; and in line 24 strike "such" and insert "which".

15. On page 14, line 1, insert an underscored comma after the second "hearing"; and in line 10 strike the second "the" and strike the comma.

16. In the title, line 9, strike "and"; and in line 10 insert "; and to declare an emergency" after "sections".

LEGISLATIVE BILL 541. Placed on Select File as amended.
E & R amendments to LB 541:

1. In lieu of standing committee amendment 1, on page 3, line 7, insert "established by the mayor and council" after "rate"; and in line 8, strike "six" and insert "~~six~~ seven and one half".

2. On page 2, line 9, strike the comma and show stricken; and in line 13, insert an underscored comma after "years".

3. On page 3, line 3, insert "those for" after "including".

4. In the title, line 5, strike "and"; and in line 6, insert "; and to declare an emergency" after "section".

LEGISLATIVE BILL 17A. Placed on Select File.

LEGISLATIVE BILL 411. Placed on Select File as amended.
E & R amendments to LB 411:

1. On page 2, line 4, insert a comma after "partnership"; in line 15, strike "of an" and insert "concerning"; and strike "matter" and insert "matters".

2. In standing committee amendment 2, line 3, strike "than the" and insert "difficult than the required"; and in line 4 strike "requirement".

3. On page 3, strike line 21 and insert
"(3) Before any service described"; in line 22, insert "is rendered" after "act"; and strike the comma in lines 22 and 23.

4. On page 4, line 6, strike "agent" and insert "agent's"; in lines 6 and 7 strike "broker" and insert "broker's"; strike line 15 and insert:
"(6) A licensed consultant shall be obligated"; in line 17, strike the semicolon and insert a comma and strike "render" and insert "furnish to"; in line 22, strike "Such" and insert "A consultant's"; and in line 27, strike "brokers" and insert "broker's".

LEGISLATIVE BILL 547. Placed on Select File as amended.
E & R amendment to LB 547:

1. On page 2, line 18, strike "which".

LEGISLATIVE BILL 469. Placed on Select File as amended.
E & R amendment to LB 469:

1. In the Chambers amendment, lines 5, 7, and 9, insert "of" after "hours".

2. In section 1, line 2, insert "of" after "hours"; in line 6 strike the period; strike line 24 and insert:
"After 16th year of continuous employment – 200 hours per year."; in line 25 strike "Provided, that employees" and insert:
"Employees"; in line 27 strike "; and provided further, that any" and insert ". Any"; in line 29 insert a comma after "purposes"; in line 30 strike "and"; in lines 32 and 34A strike "act" and insert "section,"; in line 39 insert "the" after "disregarding"; in line 41 strike "as defined herein"; in line 49 strike the second comma and insert "be extended"; in line 50

after the comma insert "or in situations involving employees of the Legislature, in the discretion of the Executive Board of the Legislative Council" and strike "be extended"; in line 51 insert a comma after "dismissal"; in line 57 strike "director of the State Department" and insert "Director"; and in line 58 strike "act" and insert "section".

3. On page 3, line 8, insert ", as amended by section 1, Legislative Bill 80, Eighty-third Legislature, First Session, 1973" after "1943".

4. In the title strike lines 2 to 5 and insert:

"FOR AN ACT relating to state employment; to provide for vacation leave time for state employees; and to repeal section 81-116, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 80, Eighty-third Legislature, First Session, 1973.".

(Signed) John J. Cavanaugh, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 60.

A BILL FOR AN ACT relating to minors; to limit the taking and use of fingerprints except as prescribed.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Carpenter
C. Carsten
Cavanaugh
Clark
DeCamp
Dickinson
Duis
Fellman
Goodrich
Hasebroock
Johnson
Kennedy
Keyes
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Moylan
Murphy
Nore
Proud
Richendifer
Savage
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 14:

Anderson
Barnett
Burbach
F. Carstens
Chambers
Epke
Fowler
Kelly
Kime
Kremer
F. Lewis
Marvel
Rasmussen
Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 331.

A BILL FOR AN ACT to amend sections 37-201, 37-226, 37-503, and 37-719, Reissue Revised Statutes of Nebraska, 1943, and sections 37-101, 37-213, and 37-307, Revised Statutes Supplement, 1972, relating to game and fish; to redefine terms; to require permits as prescribed; to change an exception; to prohibit importation of certain wild vertebrate animals; to make it unlawful to release certain species as prescribed; and to repeal the original sections, and also sections 37-229, 37-230, and 37-231, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Anderson
Barnett
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
DeCamp
Dickinson
Duis
Fellman
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Moylan
Murphy
Nore
Proud
Richendifer
Savage
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 8:

Burbach
Clark
Epke
Fowler
Kime
Marvel
Rasmussen
Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 352.

A BILL FOR AN ACT to amend section 23-2318, Reissue Revised Statutes of Nebraska, 1943, relating to the retirement system for counties; to provide when an employee terminating prior to age sixty-five may receive prior service benefits; and to repeal the original section.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Anderson
Barnett
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
Clark
DeCamp
Dickinson
Duis
Fellman
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Moylan
Murphy
Nore
Proud
Richendifer
Savage
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 8:

Burbach
Epke
Fowler
Keyes
Kime
Marvel
Rasmussen
Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 420.

A BILL FOR AN ACT to repeal sections 14-610 to 14-620 and 14-705 to 14-708, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, relating to cities of the metropolitan class.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Anderson
Barnett
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
Clark
Dickinson
Duis
Fellman
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Proud
Richendifer
Savage
Schmit
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 7:

Burbach DeCamp Epke Fowler Kime
Nore Rasmussen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 428.

A BILL FOR AN ACT relating to state employees; to provide for creation of deferred compensation agreements for state employees; and to provide for administration.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Anderson Barnett Carpenter C. Carsten F. Carstens
Cavanaugh Chambers Clark DeCamp Dickinson
Duis Fellman Goodrich Hasebroock Johnson
Kelly Kennedy Keyes Kremer F. Lewis
R. Lewis Luedtke Mahoney Maresh Marsh
Marvel Moylan Murphy Nore Proud
Richendifer Savage Schmit Simpson Stahmer
Stromer Stull Syas Waldron Warner
Whitney Wiltse

Voting in the negative, 0.

Not voting, 7:

Burbach Epke Fowler Kime Rasmussen
Skarda Snyder

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 435. Laid over at the request of Mr. Snyder.

LEGISLATIVE BILL 462.

A BILL FOR AN ACT to amend sections 44-1408 and 44-1451, Reissue Revised Statutes of Nebraska, 1943, and section 44-333.02, Revised

Statutes Supplement, 1972, relating to insurance; to provide for changes in reexamination; to change the waiting period for a filing to become effective; and to repeal the original sections, and also section 44-119.01, Revised Statutes Supplement, 1972.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Anderson Barnett Carpenter C. Carsten F. Carstens
Cavanaugh Chambers Clark DeCamp Dickinson
Duis Fellman Goodrich Hasebroock Johnson
Kelly Kennedy Keyes Kremer F. Lewis
R. Lewis Luedtke Mahoney Maresh Marsh
Marvel Moylan Murphy Nore Proud
Richendifer Savage Schmit Simpson Skarda
Snyder Stahmer Stromer Stull Syas
Waldron Warner Whitney Wiltse

Voting in the negative, 0.

Not voting, 5:

Burbach Epke Fowler Kime Rasmussen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 478.

A BILL FOR AN ACT to amend section 24-707, Reissue Revised Statutes of Nebraska, 1943, and section 24-710, Revised Statutes Supplement, 1972, relating to the judges retirement system; to provide for survivorship benefits; to give judges a different method of obtaining the retirement annuity; to provide for rules and regulations; and to repeal the original sections.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Anderson Barnett C. Carsten F. Carstens Cavanaugh
Chambers Clark DeCamp Dickinson Duis
Fellman Goodrich Hasebroock Johnson Kelly

Kennedy
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Nore
Proud
Richendifer
Savage
Schmit
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 8:

Burbach
Carpenter
Epke
Fowler
Keyes
Kime
Murphy
Rasmussen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 479.

A BILL FOR AN ACT to amend section 84-1320, Reissue Revised Statutes of Nebraska, 1943, relating to the State Employees Retirement Act; to provide for changes regarding prior service benefits as prescribed; and to repeal the original section.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Anderson
Barnett
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
Clark
DeCamp
Dickinson
Duis
Fellman
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Moylan
Murphy
Nore
Proud
Richendifer
Savage
Schmit
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 7:

Burbach
Epke
Fowler
Keyes
Kime
Marvel
Rasmussen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 483.

A BILL FOR AN ACT to amend section 71-1701, Reissue Revised Statutes of Nebraska, 1943, relating to public health; to extend powers as prescribed; and to repeal the original section.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Anderson
Barnett
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
Clark
DeCamp
Dickinson
Duis
Fellman
Goodrich
Johnson
Kelly
Kennedy
Keyes
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Moylan
Murphy
Proud
Richendifer
Savage
Schmit
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 8:

Burbach
Epke
Fowler
Hasebroock
Kime
Marvel
Nore
Rasmussen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 527.

A BILL FOR AN ACT to amend section 57-919, Revised Statutes Supplement, 1972, relating to oil and gas; to change provisions for the collection and payment of charges; and to repeal the original section, and also section 57-715, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Anderson
Barnett
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
Clark
DeCamp
Dickinson
Duis
Fellman
Goodrich
Johnson
Kelly

Kennedy Keyes Kremer R. Lewis Luedtke
Mahoney Maresh Marsh Marvel Moylan
Murphy Nore Proud Richendifer Savage
Schmit Simpson Skarda Snyder Stahmer
Stromer Stull Syas Waldron Warner
Whitney Wiltse

Voting in the negative, 0.

Not voting, 7:

Burbach Epke Fowler Hasebroock Kime
F. Lewis Rasmussen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SELECT FILE

LEGISLATIVE BILL 180. E & R amendment found in the Journal on page 1207 for the Sixty-sixth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 378A. E & R amendment found in the Journal on page 1207 for the Sixty-sixth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 226. E & R amendments found in the Journal on page 1207 for the Sixty-sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 503. E & R amendments found in the Journal on page 1207 for the Sixty-sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 517. E & R amendments found in the Journal on page 1207 for the Sixty-sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 518. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 519. E & R amendments found in the Journal on page 1207 for the Sixty-sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 521. E & R amendments found in the Journal on page 1208 for the Sixty-sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 436. E & R amendment found in the Journal on page 1208 for the Sixty-sixth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 353. E & R amendment found in the Journal on page 1208 for the Sixty-sixth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 477. E & R amendment found in the Journal on page 1208 for the Sixty-sixth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 257. Advanced to E & R for Engrossment.

UNANIMOUS CONSENT–Member Excused

Mr. Richendifer asked unanimous consent to be excused for the remainder of today and tomorrow. No objections. So ordered.

MOTION–Return LB 17 to Select File

Mr. Stromer moved to return LB 17 to Select File for the following specific amendment:

Add a new section to LB 17, as amended, to provide as follows: "Section ___. That Section 89-183, Revised Statute Supplement, 1972, be amended to read as follows:

89-183. As used in Section 89-183 to 89-1,103, unless the context otherwise requires:

(1) Weights and measures shall mean all weights and measures of every kind, instruments and devices for weighing and measuring, and any appliance and accessories associated with any or all such instruments and devices, but shall not include meters used in measuring natural gas by gas utility companies operating in the State pursuant to federal, state or local authority."

The motion prevailed with 26 ayes, 0 nays and 23 not voting.

SELECT FILE

LEGISLATIVE BILL 17. The Stromer specific amendment found in this day's Journal was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Engrossment.

MOTION—Return LB 220 to Select File

Mr. Anderson moved to return LB 220 to Select File for the following specific amendments:

1. On page 4 after line 27 insert:

"Sec. 8. That section 80-407, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

80-407. Each county veterans' service committee shall cooperate with and assist the Department of Veterans' Affairs in the performance and discharge of its duties and functions. Each such county veterans' service committee shall appoint, subject to confirmation by the county board, a county veterans' service officer for its county after the applicant has been certified as eligible according to section 80-410 by the Director of Veterans' Affairs. Service officers appointed prior to March 27, 1969 shall also be certified as eligible. The county veterans' service committee, in cooperation with the Department of Veterans' Affairs, shall issue a certificate of appointment, and establish a service center for the assistance of veterans, and is authorized to accept, for the purpose of carrying out its program of assistance to veterans, grants of funds from the county, municipalities, veterans', civic, religious and fraternal organizations and groups, and private citizens. The county veterans' service committee and the director are authorized to join two or more of the smaller counties in the appointment of a county veterans' service officer for a given area with the expenses to be shared by the counties involved. The county board and the county veterans' service committee shall be authorized to appoint or place any veteran service officer on a part-time basis if such officer's service shall not require forty hours per week. Members of the county veterans' service committee shall be ineligible to serve as county veterans' service officers or assistant county veterans' service officers. Each county veterans' service committee shall report quarterly, on September 30, December 31, March 31, and June 30 its doings and expenditures to the Department of Veterans' Affairs and to the county, municipalities, organizations and agencies which have contributed funds for the work of such county veterans' service committee.".

2. On page 5, line 1 after "original" insert "section 80-407, Reissue Revised Statutes of Nebraska, 1943, and".
3. Renumber original section 8 as section 9.

The motion prevailed with 26 ayes, 0 nays and 23 not voting.

SELECT FILE

LEGISLATIVE BILL 220. The Anderson specific amendments found in this day's Journal were adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Engrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 33.

Introduced by Carpenter, 48th District.

A Resolution to Propose an Amendment to Article 15 of the Constitution of the State of Nebraska.

BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

That at the general election in November, 1974, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article XV, by adding a new section 19, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 19. No member of the Legislature nor any elected state officer shall be eligible to hold office if on the date his term commences or on the date of his appointment to such office he shall have attained the age of sixty-five years.

"The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

> 'Constitutional amendment to provide that the members of the Legislature and other elected state officers shall not be eligible to hold office if on the date such officer's term commences or on the date of his appointment to such office he shall have attained the age of sixty-five years.
>
> For
>
> Against'

"The proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska."

REFERENCE COMMITTEE REPORT

LB	**Committee**
LR 32	Constitutional Revision and Recreation
LR 33	Constitutional Revision and Recreation

(Signed) Terry Carpenter, Chairman
Executive Board

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 505. Placed on General File as amended.
Standing Committee amendments to LB 505:

1. In the title, lines 2 and 3, strike "two million three hundred twenty thousand nine hundred thirty" and insert "one million ninety-five thousand one hundred seventy".
2. On page 2, line 1 and 2, strike "two million three hundred twenty thousand nine hundred thirty" and insert "one million ninety-five thousand one hundred seventy".

LEGISLATIVE BILL 536. Placed on General File.

(Signed) Richard D. Marvel, Chairman

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 306A. By Marsh, 29th District.

A BILL FOR AN ACT to appropriate eighteen thousand four hundred twenty dollars from the state General Fund for the period of July 1, 1973 to June 30, 1974 to the Educational Television Commission, Agency No. 47 for Program 533, Educational Television, to aid in carrying out the provisions of Legislative Bill 306, Eighty-third Legislature, First Session, 1973.

NOTICE OF COMMITTEE HEARINGS
Constitutional Revision and Recreation

LR 32	Thursday, April 19, 1973	12:45 p.m.
LR 33	Thursday, April 19, 1973	12:45 p.m.

(Signed) George Syas, Chairman

UNANIMOUS CONSENT–Bracket LB 45

Mr. Barnett asked unanimous consent to bracket LB 45 for Monday, April 30. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 399. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 1 nay and 22 not voting.

LEGISLATIVE BILL 497. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 372. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 1 nay and 23 not voting.

LEGISLATIVE BILL 341. Title read. Considered.

Laid over at the request of Mr. Carpenter.

LEGISLATIVE BILL 486. Title read. Considered.

Mr. Carpenter moved to indefinitely postpone. The motion prevailed with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 345. Title read. Considered.

Standing Committee amendment found in the Journal on page 928 for the Fifty-fifth Day was adopted.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 509. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 522. Title read. Considered.

Standing Committee amendment found in the Journal on page 937 for the Fifty-sixth Day was adopted.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 494. Title read. Considered.

Standing Committee amendments found in the Journal on page 940 for the Fifty-sixth Day were adopted.

Mr. Carpenter offered the following amendment which was adopted:

Amend paragraph (1) of Section 6 to read as follows:

Sec. 6. (1) The state civil defense agency shall be maintained in the office of the Adjutant General. The Adjutant General shall administer the provisions of this act, subject to the direction and control of the Governor, and shall receive such compensation for these services as shall be determined by the Governor. The agency shall have an assistant director and such other professional, technical, secretarial, and clerical employees as are necessary for the performance of its functions.

Mr. Carpenter offered the following amendments which were adopted:

1. On page 50 after line 13 insert:

"Sec. 32. The Legislature hereby declares that the organization and resources of the Nebraska Wing of the Civil Air Patrol are an important element of the civil defense of the state, and as such the Civil Air Patrol is vital to the welfare and security of the state. The Legislature further finds and declares that the effectiveness of the Nebraska Wing of the Civil Air Patrol could be economically enhanced by a program of fiscal support by the state. It is the purpose of sections 32 and 33 of this act to encourage the further development of the civil defense capability of the Nebraska Wing of the Civil Air Patrol and to authorize a program of fiscal support to effectuate this purpose.

Sec. 33. The Adjutant General, as administrator of the Civil Defense Agency, is hereby authorized to expend any funds provided pursuant to section 32 of this act to assist the Nebraska Wing of the Civil Air Patrol in obtaining, improving, and rehabilitating aircraft, vehicles, and communications equipment and services. Such expenditures shall be within the limitation of funds available, upon request of the Nebraska Wing Commander of the Civil Air Patrol, and with the advice of the Director of Aeronautics.".

2. Renumber original section 32 as section 34.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 510. Title read. Considered.

Standing Committee amendment found in the Journal on page 940 for the Fifty-sixth Day was adopted.

Mr. Carpenter offered the following amendment which was adopted:

Add the Emergency Clause.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 474. Title read. Considered.

Standing Committee amendment found in the Journal on page 943 for the Fifty-sixth Day was adopted.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 493. Title read. Considered.

Standing Committee amendments found in the Journal on page 958 for the Fifty-seventh Day were adopted.

Mr. Keyes offered the following amendment which was adopted:
Amend Sec. 1, 39-1702, Line 27 after word interest;
To provide that where county road adjoins the corporate limits of any city or village that the powers herein granted to county boards may be exercised by the governing body of such city or village.

Advanced to E & R for Review with 26 ayes, 1 nay and 22 not voting.

LEGISLATIVE BILL 544. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 75. Title read. Considered.

Standing Committee amendments found in the Journal on page 1077 for the Sixty-first Day were adopted.

Advanced to E & R for Review with 31 ayes, 0 nays and 18 not voting.

LEGISLATIVE BILL 422. Title read. Considered.

Standing Committee amendments found in the Journal on page 1112 for the Sixty-second Day were adopted.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 225. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays and 19 not voting.

LEGISLATIVE BILL 338. Title read. Considered.

Standing Committee amendment found in the Journal on page 1028 for the Fifty-ninth Day was adopted.

Advanced to E & R for Review with 29 ayes, 1 nay and 19 not voting.

LEGISLATIVE BILL 340. Title read. Considered.

Mr. Keyes offered the following amendments to the Standing Committee amendment, which were adopted:

1. In the Standing Committee amendment section 1 line 28 after "year" insert "; Provided, that employees who are regularly employed less than forty hours a week shall be entitled to sick leave proportionate to their regular work week; and provided further, that any employee who has been employed by the Legislature or Legislative Council shall, for sick leave entitlement purposes be credited with one continuous year of employment for each two hundred sixty working days such employees were employed by the Legislature or Legislative Council.

Sec. 2. As used in this act state employee shall mean any person or officer employed by the state including the head of any department or agency, except when such head is a board or commission.

Sec. 3. For the purpose of this act any state employee whose employment has been terminated, for other than disciplinary reasons, and who returns to state employment within one year from the date of such termination shall have his service for sick leave entitlement computed by combining prior continuous service with current continuous service disregarding such period of absence.

Sec. 4. The sick leave account shall be balanced as of December 31 each year. Sick leave shall be cumulative for not more than one thousand four hundred and forty hours.

Sec. 5. All sick leave shall expire on the date of separation and no employee shall be reimbursed for sick leave outstanding at the time of termination, except as provided in this act.

Sec. 6. Each employee who is eligible for retirement under any existing state or federal retirement systemshall, upon termination of his employment with the state by reason of retirement or voluntary resignation, in good standing, be entitled to payment of one-fourth of his accumulated unused sick leave, with the rate of payment based upon his regular pay at the time of termination or retirement. Upon the death of an employee his beneficiary shall be paid one-fourth of his accumulated unused sick leave, with the rate of payment based upon his regular pay at the date of his death.

Sec. 7. A permanent employee who is transferred from one agency to another shall have his accrued sick leave transferred to the receiving agency.

Sec. 8. The Director of Personnel shall promulgate such rules and regulations as are necessary to carry out the provisions of this act.".

2. Strike sections 2 and 3 of the Standing Committee amendment.

Standing Committee amendment found in the Journal on page 1028 for the Fifty-ninth Day was adopted, as amended.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 321. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 1 nay and 20 not voting.

LEGISLATIVE BILL 321A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

MR. WHITNEY PRESIDING

LEGISLATIVE BILL 370. Title read. Considered.

Standing Committee amendment found in the Journal on page 870 for the Forty-second Day was adopted.

Mr. Chambers offered the following amendment which was adopted:

1. In the Standing Committee amendments found in the Journal on page 870 for the Fifty-second day, in Section 2 following the final word "years", strike the period and insert ", and after authorization is given by the State Records Board pursuant to sections 84-1201 to 84-1220."; and in Section 3 following the final word "records", strike the period and insert ", which policy shall not conflict in any manner with the rules and regulations of the State Records Administrator adopted pusuant to sections 84-1201 to 84-1220.".

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

SPEAKER PROUD PRESIDING

LEGISLATIVE BILL 333. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

MESSAGE FROM THE GOVERNOR

April 11, 1973

Mr. Vince Brown
Clerk of the Legislature
State House
Lincoln, Nebraska

Dear Mr. Brown:

We have received Reengrossed Legislative Bill No. 336A and Engrossed Legislative Bills Nos. 277, 281, 336, 356, 363, 417, and 512.

These bills were signed by me on April 11, 1973 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

GENERAL FILE

LEGISLATIVE BILL 294. Title read. considered.

Mr. Barnett offered the following amendments to the Standing Committee amendments, which were adopted:

Amend the Committee amendments by inserting the word "leased" between the words "such" and "property" on the next to last line in Sec. 1. It would then read "received from such leased property".

Sec. 2. Change the word "inpatients" to "patients".

Standing Committee amendment found in the Journal on page 1008 for the Fifty-ninth Day was adopted, as amended.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

ANNOUNCEMENT

Mr. Warner announced that the Education Committee would have an Executive Session in Room 2227 today from 12:00 to 12:45 p.m.

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on April 12, 1973 at 10:30 a.m. were the following: LB 254, LB 381, LB 405 and LB 431.

(Signed) Barbara Jackson, Enrolling Clerk

ATTORNEY GENERAL OPINION

Opinion No. 40
April 12, 1973

Senator Ramey C. Whitney
Nebraska State Legislature
State House
Lincoln, Nebraska

Dear Senator:

You have requested our opinion concerning issues relative to L. B. 55, Nebraska Legislature, 83rd Legislature, 1st Session (1973). This bill would amend Section 84-1317, R. R. S., 1943, to require the retirement of certain state employees at age 65, where such employees may now continue their state employment if the employing department approves. Your questions, and our comments follow:

> 1. Will this prevent persons from running for the Legislature if they exceed 72 years of age?

No. Members of the Legislature are not subject to the State Employees Retirement Act. Further, the mandatory retirement requirements of Section 84-1317, as proposed by L. B. 55, are expressly not applicable to elected officials.

> 2. If a Senator becomes 72 while serving as a Legislator will he be required as a state employee to resign?

No. Our reasons are the same as for our answers to your first question.

> 3. Does the Legislature have the authority to require employees of constitutional agencies to retire as of a given age?

Article IV, Sec. 1, Constitution of Nebraska, provides in part:

> "* * *. Subject to the provisions of this Constitution, the heads of the various executive or civil departments shall have power to appoint and remove all subordinate employees in their respective departments."

Arguably, this section would forbid legislative restrictions upon the authority of a state officer to hire persons over sixty-five. However, we are not pursuaded by the argument. The Legislature has provided maximum ages for judges, including judges holding constitutionally established offices and the Nebraska Supreme Court has upheld this system, though without considering the issue of the Legislature's authority to require such retirement. See Wilson v. Marsh, 162 Neb. 237, 73 N. W. 2d 723. In Gossman v. State Employees Retirement System, 177 Neb. 326, 129 N. W. 2d 97, the Court did not expressly discuss the Article IV, Sec. 1 issues, but did say, Id., at 341:

> "Lastly, plaintiff attacks various provisions in the Act setting up conditions as to age, length of qualifying service, and a requirement for full-time employment. To adopt plaintiff's contentions in these respects would be for the court to substitute its judgment as to State employment policy for that of the Legislature. The State and the Legislature are here acting as an employer where broad economic and competitive conditions may exist. It must have broad discretion as to conditions of employment and as to conditions, classifications, and membership in retirement plans. Lines must be drawn as to age, length of service, and other conditions. The apparent inequity of discriminating between one just below or above the lines does not destroy the validity of the classifications attacked or prevent its enforcement. * * *."

We have found no other decision which would be persuasive on the present issue. Thus, we cannot advise you that the Legislature cannot establish an age of mandatory retirement for state employees.

> 4. Even though employees of the Legislature are not excluded from L. B. 55 does the Legislature have the authority to hire persons over 72 years of age?

We understand that employees of the Legislature are currently considered to be subject to the State Employees Retirement System. Nothing in L. B. 55 would exempt such employees from the same provisions as are applicable to other state employees. The mandatory retirement age is sixty-five, and no person could be employed who was in excess of this age.

Very truly yours,

CLARENCE A. H. MEYER
Attorney General

(Signed) Calvin E. Robinson
Assistant Attorney General

CER:dnj

cc: Vincent D. Brown
Clerk of the Legislature

SELECT FILE

Correctly Engrossed

The following bills were correctly engrossed: 22, 43A, 94, 110A, 235A, 254A, 280A, 319, 319A, 332, 402, 408, 415, 482, 496A, 498 and 546.

(Signed) John J. Cavanaugh, Chairman

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 575. By Savage, 10th District, at the Request of the Governor.

A BILL FOR AN ACT to amend sections 1, 2, and 3, Legislative Bill 380, Eighty-third Legislature, First Session, 1973, relating to the Free Flow of Information Act; to restate findings; to redefine terms; to qualify the privilege; to repeal the original sections; and to declare an emergency.

STANDING COMMITTEE REPORT
Judiciary

LEGISLATIVE BILL 524. Placed on General File as amended. (Standing Committee amendments printed and available separate from the Journal.)

(Signed) Roland A. Luedtke, Chairman

VISITORS

Speaker Proud introduced Mrs. P. L. Cady, widow of Dr. Cady, a former Senator, from Arlington; Mrs. Carrol Nelson and Mrs. Fred Laird from Fremont.

Speaker Proud introduced former Senator Albert A. Kjar from Lexington.

Speaker Proud introduced Juvenile Judge Joe Moylan and six children from Omaha.

Speaker Proud introduced 35 Eighth Grade students from Pius X School, Omaha and their teacher Miss Mary Davis.

Speaker Proud introduced 75 Eighth Grade students from St. Robert Bellarmine School, Omaha and 15 teachers.

Speaker Proud introduced 20 Junior and Senior students from Nebraska City Public School, Nebraska City and teacher John Bartow.

Speaker Proud introduced 42 high school students from Fairmont High School, Fairmont, and teachers Messrs. Godfrey A. Machal and Ron Reigier.

Speaker Proud introduced 8 students from Oakland-Craig School, Oakland, and teacher Mrs. Edna.

Speaker Proud introduced 61 Seventh Grade students from Sandy Creek Public School, Fairfield, and teachers Mr. Larry Phillipi and Janet Dorance.

Speaker Proud introduced 50 Eighth Grade students from Pius X School, Omaha, and teacher, Mr. Craig Kippels.

RECESS

At 12:00 noon, on a motion by Mr. C. Carsten, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:00 p.m., Speaker Proud presiding.

The roll was called and all members were present except Messrs. Burbach, Epke, Kime, Rasmussen and Richendifer who were excused.

UNANIMOUS CONSENT—Members Excused

Messrs. Hasebroock, Clark and Stull asked unanimous consent to be excused Monday, April 16. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 311. Considered.

Mr. Nore asked unanimous consent to add his name to LB 311. No objections. So ordered.

Mr. Stahmer asked unanimous consent to withdraw his pending amendment found in the Journal on page 661 for the Forty-first Day. No objections. So ordered.

Mr. Carpenter asked unanimous consent to withdraw his pending amendment found in the Journal on page 661 for the Forty-first Day. No objections. So ordered.

Mr. Whitney offered the following amendments which were adopted:

1. On page 2, line 4, insert "(1)" after the period.
2. On page 2, line 22, strike "In addition, if" and show old matter as stricken; and supply paragraphing and insert "(2) If".
3. On page 3, line 3, insert "agencies created under the Interlocal Cooperation Act," after the third comma.
4. On page 3, after line 17, insert the following:

"(3) Any public agency defined by section 23-2203 may enter into agreements and compacts to form cooperative undertakings or separate legal entities under the provisions of the Interlocal Cooperation Act for the purpose of entering into agreements on a regional basis with the director of the office of mental retardation for providing facilities, programs and services for the mentally retarded. Each public agency having taxing authority may levy and collect taxes within its geographical unit in an amount not to exceed one half mill on the dollar on the assessed value of property except intangible property for the purpose of funding programs within sections 83-1,141 to 83-1,146.

Additional money needed for the funding of such programs may be obtained from taxes levied and collected under the general fund levy of any public agency having taxing authority.".

5. On page 3, line 21, strike "The" and show as stricken, and insert "Until June 30, 1973, the".

6. On page 4, strike lines 11 and 12 and through "matching" in line 13 and show the same as stricken and insert "retardation are insufficient to meet the budget requirements for all agencies in this state, a pro rata distribution shall be made upon a formula determined by the director of the office of mental retardation. Such formula shall include but not be limited to population, taxable value, per capita income, service, need, and quality of services".

7. Insert a new section 3 to read as follows:

"Sec. 3. As used in this act unless the context otherwise requires:

1. Education shall mean a socially directed process to facilitate learning through structured training programs.

2. Training shall mean an ordered program within the educational process leading to a specific result.".

8. On page 4, after line 22, insert five new sections to read as follows:

"Sec. 4. Commencing July 1, 1973, the office of mental retardation shall provide funds on a matching basis for community-based services, programs, and facilities. The office of mental retardation shall provide three dollars for each dollar available in the community, including in-kind services, and income from workshops and room and board payments.

Sec. 5. Commencing July 1, 1973, programs for the retarded, whether provided by a school district, educational service unit, or the office of mental retardaton, shall meet the minimum standards established by the office of mental retardation.

Sec. 6. Commencing July 1, 1973, services of the office shall be available to any person regardless of age.

Sec. 7. There are hereby created six mental retardation regions in the state. Each region shall consist of the following counties:

Region 1 shall consist of Sioux, Dawes, Sheridan, Box Butte, Scottsbluff, Morrill, Garden, Kimball, Banner, Cheyenne, and Duel counties.

Region 2 shall consist of Grant, Hooker, Thomas, Arthur, McPherson, Logan, Keith, Lincoln, Perkins, Dawson, Chase, Hayes, Frontier, Gosper, Dundy, Hitchcock, and Red Willow counties.

Region 3 shall consist of Blaine, Loup, Garfield, Wheeler, Custer, Valley, Greeley, Sherman, Howard, Merrick, Buffalo, Hall, Hamilton, Phelps, Kearney, Adams, Clay, Furnas, Harlan, Franklin, Webster, and Nuckolls counties.

Region 4 shall consist of Cherry, Keya Paha, Boyd, Brown, Rock, Holt, Knox, Cedar, Dixon, Antelope, Pierce, Wayne, Dakota, Thurston, Madison, Stanton, Cuming, Burt, Boone, Platte, Colfax, Nance, Polk, and Butler counties.

Region 5 shall consist of Saunders, York, Seward, Lancaster, Otoe, Fillmore, Saline, Gage, Johnson, Nemaha, Thayer, Jefferson, Pawnee, and Richardson counties.

Region 6 shall consist of Dodge, Washington, Douglas, Sarpy, and Cass counties.".

Sec. 8. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration of invalidity shall not affect the validity of the remaining portions thereof.".

9. Renumber original sections 3 and 4 as sections 9 and 10.

10. On page 4, line 24, after "1943" insert ", and also section 83-1,145, Reissue Revised Statutes of Nebraska, 1943".

Laid over at the request of Mr. Cavanaugh.

LEGISLATIVE BILL 320. Title read. Considered.

Standing Committee amendment found in the Journal on page 925 for the Fifty-fifth Day was adopted.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 368. Title read. Considered.

Standing committee amendment found in the Journal on page 937 for the Fifty-sixth Day was adopted.

Advanced to E & R for Review with 29 ayes, 0 nays and 20 not voting.

LEGISLATIVE BILL 506. Title read. Considered.

Standing Committee amendment found in the Journal on page 940 for the Fifty-sixth Day was adopted.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 506A. Title read. Considered.

Mr. Carpenter offered the following amendment which was adopted:

1. On page 2, line 5 strike "506" and insert "68".

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 485. Title read. Considered.

Standing Committee amendments found in the Journal on page 952 for the Fifty-sixth Day were read.

Laid over at the request of Mr. Snyder.

LEGISLATIVE BILL 490. Title read. Considered.

Laid over at the request of Mr. Kremer.

LEGISLATIVE BILL 481. Title read. Considered.

Standing Committee amendment found in the Journal on page 1025 for the Fifty-ninth Day was adopted.

Advanced to E & R for Review with 26 ayes, 1 nay and 22 not voting.

LEGISLATIVE BILL 572. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 297. Title read. Considered.

Standing Committee amendment found in the Journal on page 1153 for the Sixty-fourth Day was adopted.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 487. Title read. Considered.

Mr. Luedtke offered the following amendment to the Standing Committee amendment which was adopted:

In lines 4 and 5 of General File amendment strike "in line 9 strike "shall" and insert "~~shall~~ may ;"

Standing Committee amendment found in the Journal on page 1181 for the Sixty-fourth Day was adopted as amended.

Advanced to E & R for Review with 29 ayes, 0 nays and 20 not voting.

MOTION—Return LB 36 to Select File

Mr. Clark moved to return LB 36 to Select File for the following specific amendment:

1. Amend section 1 to read:

"Section 1. All established public roads that have been established for a period of ten years or more on the section line along any side or part of the side of a section owned by the Board of Educational Lands and Funds, and on any part of a section that has an established meandering road not on the section line and under the jurisdiction of the Board of Educational Lands and Funds, shall be dedicated to the county for public use in the case of county roads, or to the State of Nebraska, Department of Roads, for public use. The public road right-of-way so dedicated shall be no less than thirty-three feet from the section line, nor less than sixty-six feet through that part of the section where the established road meanders through the described section. Upon receipt of payment from any county or the Department of Roads of the fair and reasonable market value of the right-of-way at the date the road was established, the Board of Educational Lands and Funds shall convey to the county or the Department of Roads title to such road right-of-way. The instruments of conveyance shall be recorded in the office of the register of deeds.".

The motion prevailed with 26 ayes, 0 nays and 23 not voting.

SELECT FILE

LEGISLATIVE BILL 36. The Clark specific amendment found in this day's Journal was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Re-engrossment.

UNANIMOUS CONSENT—Unbracket LB 121

Mr. Stahmer asked unanimous consent to unbracket LB 121 on Select File. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 121. The Stahmer pending amendments found in the Journal on page 1195 for the Sixty-fifth Day were adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Engrossment.

MOTION—Suspend Rules

Mr. Savage moved to suspend the Rules and place LB 575 on General File without a public hearing.

The motion lost with 17 ayes, 12 nays and 20 not voting.

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 361. Placed on General File as amended.
Standing Committee amendments to LB 361:

1. On page 2, line 6, strike "(2) Nebraska Orthopedic Hospital," showing the same as stricken; and renumber original subdivisions 3 to 11 as subdivisions 2 to 10, showing old numbers as stricken and new numbers as added.

2. On page 3, line 5, insert after the period "The Department of Public Institutions shall convey all interest in any real estate and improvements thereon used by the Nebraska Psychiatric Institute to the Board of Regents and all other property of the Department of Public Institutions located at the Nebraska Psychiatric Institute shall be transferred to the Board of Regents."; in lines 20 and 21, strike "Nebraska Psychiatric Institute" showing the same as stricken, and insert "University of Nebraska Medical Center"; in line 22 strike "director" and show as stricken, and insert "chancellor", and insert "or his designate" after "thereof".

3. On page 4, line 4, insert "University of Nebraska Medical Center" after "the"; and strike the new matter in lines 4 and 5.

4. On page 5, line 16, strike "or" and show as stricken; and in line 17, insert ", or other persons" after "relatives"; in line 21, strike "Nebraska Psychiatric Institute" and insert "University of Nebraska Medical Center"; and strike beginning with "the" in line 21 through the period in line 22, and insert "the Beatrice State Home, and for psychiatric, drug abuse, and alcoholism services at the Douglas County Hospital.".

5. On page 6, line 15, strike "January 1, 1974" and insert "July 1, 1973".

6. Insert a new section to read;

"Sec. 11. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

LEGISLATIVE BILL 513. Placed on General File as amended.
Standing Committee amendments to LB 513:

1. On page 4, line 13, strike "acute" and insert "condition," at the end of the line.

2. On page 5, line 2, strike "which"; strike lines 3 and 4; and strike "inconsistent with this definition," in line 5; in line 7, after "physician" insert "or of an association of physicians"; in line 8, after "practitioner" insert "or association of practitioners"; and in lines 12 and 23, before "exclusively" insert "primarily or".

3. On page 6, line 5, insert "or association of practitioners" after the first "practitioner"; strike line 23 and insert "individuals who are ill, injured, or disabled but not in"; and in line 25, insert "disability," after the fourth comma.

4. On page 7, line 5, strike "not"; in line 6, strike "acutely ill or injured and" and insert "ill, injured, or disabled but"; in lines 8 and 18, insert ",disability" after "deformity"; in lines 16 and 26, strike "two" and insert "five"; and in line 21, insert "and do not require the daily services of a licensed registered or practical nurse" after "medication".

5. On page 8, lines 17 and 25, insert "primarily or" after "services"; in line 23, insert ", not licensed as a hospital," after "agency"; and at the end of line 25, insert "five or more".

6. On page 9, at the end of line 6, insert "not licensed as a hospital,"; and lines 10 and 20, before "exclusively" insert "primarily or".

7. On page 10, line 2, after "agency" insert ", not licensed as a hospital,"; and in lines 6 and 17, before "exclusively" insert "primarily or".

8. On page 11, line 8, strike the comma and insert "~~,~~ or"; and in line 15, strike "this act" and insert "sections 71-2017 to 71-2029" and at the end of the line insert "Facilities licensed under Chapter 71, article 19 need not be licensed under Chapter 71, article 20.".

9. Strike sections 4 to 16 and renumber original section 17 as section 4.

10. On page 21, line 7, strike "to" and insert "and 71-2018,"; and strike line 8 and "71-2037," in line 9.

(Signed) Thomas C. Kennedy, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 268. Replaced on Select File as amended.
E & R amendments to LB 268:

1. In line 23 of page 1 of E & R amendments adopted 4/4/73, strike "29-2306.02" and insert "11 of this act".

LEGISLATIVE BILL 504. Replaced on Select File as amended.
E & R amendments to LB 504:

1. On page 2, line 26, strike "; or" and insert "~~;~~, or made".
2. On page 7, line 21, insert "and section 14 of this act" before "for".
3. On page 8, line 14, strike "some one" and insert "~~some one~~ someone".

LEGISLATIVE BILL 17. Replaced on Select File as amended.
E & R amendments to LB 17:

1. In lieu of the Stromer amendment, insert a new section to read:

"Section 1. That section 89-183, Revised Statutes Supplement, 1972, be amended to read as follows:

89-183. As used in section 89-183 to 89-1,103, unless the context otherwise requires:

(1) Weights and measures shall mean all weights and measures of every kind, instruments and devices for weighing and measuring, and any appliance and accessories associated with any or all such instruments and devices, but shall not include meters used in measuring natural gas by gas utility companies operating in the state pursuant to federal, state, or local authority.

(2) Weight, as used in connection with any commodity, shall mean net weight.

(3) Correct, as used in connection with weights and measures, shall mean conformance to all applicable requirements of sections 89-183 to 89-1,103.

(4) Primary standards shall mean the physical standards of the state which serve as the legal reference from which all other standards and weights and measures are derived.

(5) Secondary standards shall mean the physical standards which are traceable to the primary standards through comparisons, using acceptable laboratory procedures, and used in the enforcement of weights and measures laws and regulations.

(6) Director shall mean the Director of Agriculture of the State of Nebraska.

(7) Person shall mean both plural and singular, as the case demands, and includes individuals, partnerships, corporations, companies, societies, and associations.

(8) Sale from bulk shall mean the sale of commodities when the quantity is determined at the time of sale.

(9) Package shall mean any commodity put up or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale.".

2. Renumber sections 1 to 5 as sections 2 to 6.

3. In renumbered section 5, line 1, insert "89-183," after "sections".

4. In the title, as amended, line 2, insert "89-183," after "sections"; and in line 4, insert "to redefine a term;" after the first semicolon.

LEGISLATIVE BILL 220. Replaced on Select File as amended.
E & R amendment to LB 220:

1. In the title, line 2, insert "section 80-407, Reissue Revised Statutes of Nebraska, 1943, and" after "amend"; and in line 7, insert "; to provide for confirmation of appointments" after "officials".

LEGISLATIVE BILL 343. Placed on Select File as amended.
E & R amendments to LB 343:

1. On page 2, line 21, strike the reinstated "and" and insert "~~and~~ or"; and in line 22 strike the reinstated ", and" and insert "~~, and~~ or".

2. On page 3, redesignate subdivisions (e) to (h) as subdivisions (f) to (i).

3. On page 5, line 9, insert "(1)" before "The"; renumber original subsections (1) to (4) on pages 5 and 6 as subsections (2) to (5), showing old numbers stricken and new ones underscored; and on page 5, line 14, strike "this act" and insert "sections 48-1201 to 48-1209".

4. On page 6, line 12, insert an underscored comma after "plaintiffs".

Correctly Enrolled

The following bills were correctly enrolled: 60, 331, 352, 420, 428, 462, 478, 479, 483 and 527.

(Signed) John J. Cavanaugh, Chairman

SPEAKER SIGNS

While the Legislature was in session and capable of transacting business the Speaker signed the following: LB 60, LB 331, LB 352, LB 420, LB 428, LB 462, LB 478, LB 479, LB 483 and LB 527.

UNANIMOUS CONSENT–Change of Order

Mr. Stull moved to consider the bills on Select File. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 511. E & R amendment found in today's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 244. E & R amendment found in today's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 491. E & R amendment found in today's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 397. E & R amendments found in today's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 449. E & R amendment found in today's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 449A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 540. E & R amendments found in today's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 541. E & R amendments found in today's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 17A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 411. E & R amendments found in today's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 547. E & R amendment found in today's Journal was adopted.

Mr. Carpenter offered the following amendments:

1. On page 2, line 26 strike "appropriation made" and insert "~~appropriation made~~ amount authorized".
2. On page 3, line 1 strike "only" and after "awarded" insert ", but the obligation of the state in any fiscal year under such contracts shall not exceed the amount appropriated for that purpose in such fiscal year".

Amendments pending.

Laid over.

LEGISLATIVE BILL 469. E & R amendments found in today's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 268. E & R amendment found in today's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 504. E & R amendments found in today's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 17. E & R amendments found in today's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 220. E & R amendment found in today's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 343. E & R amendments found in today's Journal were adopted.

Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly re-engrossed: 492; The following bills were correctly engrossed: 73, 290, 455 and 501.

(Signed) John J. Cavanaugh, Chairman

REFERENCE COMMITTEE REPORT

LB	**Committee**
575	Judiciary

(Signed) Eugene T. Mahoney, Vice-Chairman
Executive Board

NOTICE OF COMMITTEE HEARING
Judiciary

LB 575 Thursday, April 19, 1973 1:00 p.m.

(Signed) Roland A. Luedtke, Chairman

ATTORNEY GENERAL'S OPINION

Opinion No. 41
April 12, 1973

Senator Ramey C. Whitney
Nebraska State Legislature
State Capitol
Lincoln, Nebraska

Dear Senator Whitney:

In your letter of April 10, 1973, you ask our opinion as to the constitutionality of L.B. 445, as amended by the Standing Committee amendments. We believe that it would be difficult to sustain the validity of this bill, as amended.

At present, Section 79-1522, R.R.S. 1943, provides for a service annuity to retired school employees ranging from one and one-half dollars per month for each year of service to three dollars per month for each year of service. The various classifications are set forth in that section. The proposed amendment would provide in part:

> "***. Each school employee or emeritus member who retired before July 1, 1973 and who is receiving a service annuity as of that date shall have such service annuity increased to equal three dollars monthly annuity per year of service, based on the same number of years of service that is currently being used to determine his service annuity. Such increased service annuity shall commence on July 1, 1973."

Article III, Section 19 of the Nebraska Constitution provides in part:

> "The Legislature shall never grant any extra compensation to any public officer, agent, or servant after the services have been rendered nor to any contractor after the contract has been entered into, except that retirement benefits of retired public officers and employees may be adjusted to reflect changes in the cost of living and wage levels that have occurred subsequent to the date of retirement, ***."

In Wilson v. Marsh, 162 Neb. 235, 75 N. W. 2d 723, the Court held that if the services are rendered and terminated before the grant of retirement benefits is made the benefits awarded are not compensation but a gratuity, and hence would be forbidden by the above quoted constitutional prohibition against granting extra compensation after the services have been rendered.

As you will note, an express exception has been made to this constitutional provision as it applies to retirement benefits of retired public officers and employees. However, the exception authorizes adjustments only to "reflect changes in the cost of living and wage levels that have occurred subsequent to the date of retirement." The amendment to L.B. 445 dealing with increases in the service annuity of retired employees is in no way tied to changes in the cost of living or wage levels since the retirement of the employees, and as a matter of fact, in making it uniformly applicable to all such retired employees, regardless of the date of retirement, obviously could not reflect such changes. To illustrate, the same increase would be given to a retired employee who retired the day before the effective date of the act as would be given to an employee who retired in 1950. The constitutional provision contemplates adjustments reflecting changes subsequent to the date of the retirement of the individual employee, so a blanket, uniform adjustment could, in our opinion, never come within the exceptions spelled out in Article III, Section 19.

Very truly yours,

CLARENCE A. H. MEYER
Attorney General

(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:jc

cc: Vincent Brown
Clerk of the Legislature

VISITORS

Speaker Proud introduced Ms. Hobson from Oregon; Ms. Broughton from Montana; Ms.DeBerry from Texas and Ms. Fisk from Nebraska. These are wives of Administrative Personnel Officers meeting at the Department of Roads for a two-day session.

Speaker Proud introduced 20 Juniors and Seniors from Nebraska City Public School, Nebraska City and Mr. John Barton, teacher.

Speaker Proud introduced 5 12th grade students from Bertrand School, Bertrand and Mr. Gary Streeks, teacher.

Speaker Proud introduced Mr. Bill Barret, State Chairman of the Republican Party, from Lexington, Nebraska.

Speaker Proud introduced 27 High School students from Harrisburg, South Dakota and teachers Mr. Schramm and Miss Behrends; parents Mrs. Knudsen and Mrs. McClung.

ADJOURNMENT

At 3:49 p.m., on a motion by Mr. Stromer, the Legislature adjourned until 10:00 a.m., Monday, April 16, 1973.

Vincent D. Brown
Clerk of the Legislature

SIXTY-EIGHTH DAY—APRIL 16, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

SIXTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 16, 1973

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Marsh presiding.

PRAYER

The prayer was offered by the Chaplain.

> Our schedules, our plans, our bills for a new week we have in mind as we pause now for an opening moment of prayer, O Lord our God, in the continuing faith that we are instruments in the fulfilling not of our own will, but the will of the God and Father of all men.
>
> As we sincerely seek to do what is right, make it plain to us – and keep it plainly before us as pressures mount and deadlines approach.
>
> Through the often disordant tones of human need and human choice, may we yet hear the unifying theme of human love – and may that unite us to one another in the service of others. Amen.

CORRECTIONS FOR THE JOURNAL

Page 1239, line 22, correct the spelling of "Fifty-fifth".
Page 1240, line 35, correct the spelling of "Aeronautics".
Page 1244, line 29, strike the first "L".
Page 1249, line 40, delete the second "or" and insert "of".
The Journal for the Sixty-seventh Day was approved as corrected.

UNANIMOUS CONSENT—Members Excused

Mr. Luedtke asked unanimous consent to be excused at 11:00 a.m. for the remainder of the morning. No objections. So ordered.

Mr. Nore asked unanimous consent to be excused this afternoon and tomorrow. No objections. So ordered.

COMMUNICATIONS

April 13, 1973

Honorable Terry Carpenter, Chairman
Legislative Council Executive Board
State Capitol
Lincoln, Nebraska

Dear Senator Carpenter:

The State Building Commission, at the April 6, 1973 meeting, reviewed your March 29, 1973 motion requesting a timetable for the various steps in the planning and construction of the State Office Building. I am writing this letter at the instruction of the Commission to advise you concerning your request.

The Commission unanimously assures the Executive Board and the Legislature that we will proceed as quickly as possible, and with prudence on this very important project. The Commission further assures you that careful and serious consideration will be given to the alternatives of revising the existing plans versus developing a new design. This is especially important since LB 447 requires that the rentable space in the Office Building be at least 80%.

The City of Lincoln was represented at the April 6th meeting by City Attorney Dick Wood. Mr. Wood was given verbal authority by the Building Commission to request the Lincoln City Council to proceed to prepare the required ordinance to authorize the issuance of bonds to finance the project as provided in LB 447. For your information, I enclose a copy of the Commission's written confirmation to the City of Lincoln.

The Commission has authorized employment of a Project Director to coordinate this project, and requested the Department of Administrative Services to update the 1968 Ebasco space study for the Office Building. The Commission expects to meet about the first week in May to review space needs and give further consideration to the two alternatives concerning use of existing plans or having new plans drawn. It is expected that a consultant will be selected and authorized to proceed before July 1st. After completed plans have been developed, six weeks will be required to receive bids, and the construction period will be about 34 months.

The Commission will keep the Legislature fully advised of the status and progress of this project and welcomes recommendations and comments on this important project.

Sincerely,

STATE BUILDING COMMISSION

(Signed) Thomas D. Doyle
Secretary

TDD/hkm
Enclosure
cc: Governor J. James Exon
Building Commission Members
Vince Brown, Legislative Clerk

ATTORNEY GENERAL'S OPINION

Opinion No. 42
April 13, 1973

Senator Wallace (Wally) Barnett
Nebraska State Legislature
State Capitol
Lincoln, Nebraska

Dear Senator Barnett:

You have requested our opinion as to the following questions, were the Lewis General File amendment to Legislative Bill 180 adopted:

> "1. Will the Fire Marshal's office have any authority to promulgate Rules and Regulations in:
>
> (a) nursing homes
> (b) homes for the aged and infirmed
> (c) jails
>
> "2. Does the Fire Marshal's office have authority to promulgate Rules and Regulations regarding any other fire protection practices other than, 'electricity, heating and means and adequacy of exits,' as stated in 81-502 3-C? Are these items listed below exempt from promulgation?
>
> (a) alarm systems
> (b) sprinkler systems
> (c) fire retardent materials
> (d) floor separation
> (e) room separation
> (f) high hazard protection
> (g) construction
> (h) emergency lighting
> (i) extinguishers
> etc."

The amendment deletes from Section 81-502 the language by virtue of which the Life Safety Code was adopted; and, in lieu thereof, the amendment provides that the Fire Marshal may adopt rules and regulations "generally conforming to the standards recommended by the Life Safety Code."

As we stated in our letter to you of April 6, 1973, we believe that, under this amendment, the Fire Marshal lawfully could promulgate and enforce as rules and regulations some provisions similar to those contained in the Life Safety Code. However, it is our opinion that the Fire Marshal could not blanket adopt all of the provisions of the Code. The rule-making authority of the Fire Marshal seems to be limited by Section 81-502 to those certain specifically enumerated conditions and situations, the scope of which is considerably more narrow than the range of subjects which is covered by the Life Safety Code. If the amendment were construed as authority for the Fire Marshal to adopt regulations generally conforming to the Life Safety Code with respect to matters not specifically mentioned in Section 81-502, it would appear to constitute an unlawful delegation of legislative power to an administrative officer. See Lincoln Dairy Co. v. Finigan, 170 Neb. 777.

While we recognize that Section 81-502 purports to give the Fire Marshal the authority to promulgate rules and regulations with respect to the very broad subject of "prevention of fires," we interpret this to have reference to regulations designed to eliminate the starting or outbreaking of fires, as distinguished from regulations designed for such purposes as the detection, extinguishing, retarding or controlling of fires once started. With the possible exception of items (f) and (g) in your second question, it is our belief that the Fire Marshal would have no authority to promulgate rules with respect to the various matters enumerated in your second question, insomuch as they are not matters enumerated in Section 81-502 and would appear not to come within the purview of "fire prevention," as previously discussed. As to items (f) and (g), we presume that there might be some measures relating to high hazard protection and structural design which could be said to minimize the chances of fire occurring; and, to that extent, they probably would be a proper subject for regulation under Section 81-502; but it is not possible to enumerate all conceivable such possibilities.

Very truly yours,

CLARENCE A. H. MEYER
Attorney General

(Signed) C. C. Sheldon
Assistant Attorney General

CCS:smh
cc: Mr. Vincent Brown
Clerk of the Legislature

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 226. Replaced on Select File as amended.
E & R amendments to LB 226:

1. On page 9, line 20, strike "subsection" and insert "~~subsection~~ subdivision".
2. In line 4 of E & R 9, and line 13 of E & R 10, insert ", Revised Statutes Supplement, 1972" after "39-795".

LEGISLATIVE BILL 477. Replaced on Select File as amended.
E & R amendment to LB 477:

1. In line 2 of E & R 1 adopted 4/12/73, strike "17" and insert "7".

LEGISLATIVE BILL 121. Replaced on Select File as amended.
E & R amendments to LB 121:

1. In the Stahmer amendments, page 3, line 9, strike "to".
2. In the title, strike lines 2 to 8 and insert:

"FOR AN ACT to create the Nebraska Arts Council; and to repeal Chapter 82, article 3, Reissue Revised Statutes of Nebraska, 1943.".

LEGISLATIVE BILL 515. Placed on Select File as amended.
E & R amendments to LB 515:

1. On page 2, line 25, strike "; and" and insert an underscored period; and in line 27 insert "of each year" after "31".
2. On page 5, insert an underscored comma after "section" in line 19 and "dentistry" in line 20.
3. On page 9, line 18, strike "; such fees" and insert "and"; and strike line 19 and insert "to the State Treasurer for deposit in the Nebraska Pharmaceutical Fund for expenditure in the".
4. In new section 6, insert an underscored comma at the end of line 18.
5. On page 17, lines 10 and 11 strike "Funeral Directors and Establishments; Application for".
6. For correlation purposes, on page 21, line 10, insert ", as amended by section 1, Legislative Bill 281, Eighty-Third Legislature, First Session, 1973" after "1972"; and strike beginning with the comma in line 25 through "purpose" in line 26.
7. On page 26, line 19, strike "and" and insert "and" at the end of the line; in line 20 strike "and 71-2045.06,"; and in line 21 insert ", and section 71-2045.06, Revised Statutes Supplement, 1972, as amended by section 1, Legislative Bill 281, Eighty-third Legislature, First Session, 1973" after "1972".
8. In the title, line 6, strike "and"; in line 7 strike "71-2045.05, and 71-2045.06" and insert "and 71-2045.05";

in line 8 insert ", and section 71-2045.06, Revised Statutes Supplement, 1972, as amended by section 1, Legislative Bill 281, Eighty-third Legislature, First Session, 1973" after "1972"; in line 10 strike "registration" and insert "registrations"; and in line 11 insert "to provide for temporary permits; to change expiration dates;" after the semicolon.

LEGISLATIVE BILL 349. Placed on Select File as amended. E & R amendments to LB 349:

1. On page 2, lines 4 and 5, strike "15 of the 79th Congress" and insert "79-15"; in line 6, strike "such"; in line 16, insert a comma after "brokers"; in line 20, strike "and amendments thereto;" and insert "and for purposes of this act, such"; and in line 24, strike "of this state".

2. On page 3, line 10, insert a comma after "issued"; and in line 21, strike the comma.

3. On page 4, insert a comma after "letter" in line 12, "announcement" in line 14, "representation" in line 15, "deceptive" in line 18, at the end of line 20, and after "disseminating" in line 21.

4. On page 5, insert a comma after "coercion" in line 3 and "circulating" in line 8, at the end of line 9, and after "report" in lines 15 and 18; strike the commas in line 4; and strike "knowingly" in lines 7, 9, and 16.

5. On page 6, line 12, strike "whatever"; insert a comma after "annuity" in line 15 and "purchasing" in line 25; in line 16, insert "any" after "to"; strike the first comma in line 20; and in line 24, strike the second and third "or".

6. On page 7, line 3, strike "whatsoever"; strike lines 5 and 6 and insert:

"(b) Nothing in subdivision (7) or (8) (a) of this section shall"; in lines 12 and 13, strike "; Provided, that any" and insert "if"; and in line 13, strike "shall be" and insert "are".

7. On page 8, line 16, insert a comma after "fair"; and in line 21, strike "such insured" and insert "insureds".

8. On page 9, strike the comma in line 2; in line 13, strike the first comma and insert "or" and strike the second comma; and in line 18, strike "where" and insert "when".

9. On page 10, line 1, strike "Failing" and insert "Failure"; in line 7, strike "of these complaints" and insert "thereof"; in line 9, strike "subsection" and insert "subdivision"; in line 11, strike "Making" and insert "Makes"; and strike line 16 and insert:

"(12) Violates any provision of section 44-360,".

10. On page 11, line 3, strike "the" and insert "any"; strike the comma in line 6; strike line 18 and insert:

"(2)(a) Subdivision (1)(c) of this section "; in line 19, strike "act"; and in lines 22 and 23, strike "subsection (1)(b) of section 5 of this act, such" and insert "subdivision (1)(b) of this section,".

11. On page 12, line 8, strike "of this subsection"; in lines 8 and 9, strike "person in violation" and insert "violator"; and in line 16, strike "into".

12. On page 13, insert a comma after "methods" in line 10, and "appear" in line 12; in line 23, strike ", upon such hearing"; and in line 24, insert "interested" after "any".

13. On page 14, in line 3, strike "hereunder" and insert "under this section"; in line 8, strike the semicolon and insert a comma; in line 15, strike the comma and strike "registering and"; in line 18, insert "by either certified or registered mail, return receipt requested" after "business"; in line 22, strike "postcard"; and in line 22, insert a comma after "order".

14. On page 15, strike "and every" in lines 10 and 15; insert "that" after "known" in lines 13 and 19; and in line 25, insert a comma after "review"; and in lines 25 and 26 strike "within such time".

15. On page 16, line 2, strike "as provided in this act,"; in line 8, strike "within such time"; in line 10, insert a comma after "modify"; strike the comma in line 11; in line 16, strike "Director of Insurance" and insert "director"; in lines 20 and 25, strike "of the director"; and in line 26, strike the second "such" and insert ", the".

16. On page 17, lines 3 and 9, strike "of the director"; strike the first comma in line 21; and in line 24, insert a comma after "which" and "evidence".

17. On page 18, insert a comma after "review" in line 4, "If" in line 15, "act" in line 23, and at the end of line 18; in line 5, strike "within such time;" and insert a comma; strike the comma in line 18 and the second comma in line 22; and in line 25, strike "constitutes" and insert "to constitute".

18. On page 19, line 3, strike "and while such order is in effect,"; in line 12, strike the second comma; in line 18, strike "sections 84-901 to 84-919" and insert "Chapter 84, article 9"; strike the comma in line 22;

insert a comma after "fines" in line 23 and "acts" in line 24; and in line 25, strike "hereby" and after "declared" insert "by this act".

19. On page 20, insert a comma after "correspondence" in line 1, "matter" in lines 9 and 25, "investigation" in lines 12 and 18, "revocation" in line 19, and "permission" in line 20; in line 5, strike "notwithstanding"; in line 6, strike "nonetheless"; in line 13, strike "; Provided, that no" and insert ". No"; in line 17, strike "upon" and insert "in"; in line 22, strike "law" and insert "laws"; and in lines 23 and 24, strike "Director of Insurance" and insert "director".

20. On page 21, line 1, insert a comma after "matter"; and in line 6, strike "produced" and insert "produce".

LEGISLATIVE BILL 399. Placed on Select File as amended.
E & R amendment to LB 399:

1. Show as stricken all matter stricken by standing committee amendment.

LEGISLATIVE BILL 372. Placed on Select File.

LEGISLATIVE BILL 345. Placed on Select File as amended.
E & R amendments to LB 345:

1. On page 2, insert an underscored comma after "loans" in line 18 and "operation" in line 19.

2. On page 3, line 2, insert an underscored comma after "servicing"; in line 3 strike "city of the first class" and insert "such city"; and in line 5 insert "with respect thereto" after "powers".

3. For correlation purposes, in standing committee amendments, page 1, line 4 and page 3, line 17, insert ", as amended by section 1, Legislative Bill 70, Eighty-third Legislature, First Session, 1973" after "1972"; on page 3, line 8, strike "and"; in line 15, strike the period and insert a semicolon; and after line 15 insert

"(14) Motor vehicles owned and operated by a nonprofit organization which has been exempted from the payment of federal income taxes, as provided by section 501 (c) (4), Internal Revenue Code of 1954, transporting solely those persons over age sixty, those persons who are spouses and dependents of persons over age sixty, and the handicapped from areas without public transportation; and

(15) A motor carrier engaged in the transportation of passengers operated by a transit authority created under and acting pursuant to the laws of the State of Nebraska.".

4. In the title, line 3, strike "authorities" and insert "systems"; in line 5 strike "and"; and in

line 6 insert "; to amend section 75-303, Revised Statutes Supplement, 1972, as amended by section 1, Legislative Bill 70, Eighty-third Legislature, First Session, 1973; to change an exemption; and to declare an emergency" after "management".

LEGISLATIVE BILL 509. Placed on Select File.

LEGISLATIVE BILL 522. Placed on Select File.

LEGISLATIVE BILL 225. Placed on Select File.

LEGISLATIVE BILL 338. Placed on Select File.

LEGISLATIVE BILL 321. Placed on Select File.

LEGISLATIVE BILL 321A. Placed on Select File.

LEGISLATIVE BILL 333. Placed on Select File.

LEGISLATIVE BILL 368. Placed on Select File.

LEGISLATIVE BILL 506. Placed on Select File as amended.
E & R amendment to LB 506:

1. In the title, line 5, strike "monthly" and insert "twelve times a year".

LEGISLATIVE BILL 506A. Placed on Select File.

LEGISLATIVE BILL 572. Placed on Select File.

LEGISLATIVE BILL 297. Placed on Select File.

Correctly Engrossed

The following bill was correctly re-engrossed: 36; The following bills were correctly engrossed: 180, 207, 257, 268, 306, 307, 353, 364, 374, 378A, 414, 436, 475, 503, 517, 518, 519 and 521.

Correctly Enrolled

The following resolution was correctly enrolled: 26.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR26.

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on April 13, 1973 at 3:00 p.m.: LB 60, LB 331, LB 352, LB 420, LB 428, LB 462, LB 478, LB 479, LB 483 and LB 527.

(Signed) Barbara Jackson, Enrolling Clerk

STANDING COMMITTEE REPORTS
Constitutional Revision and Recreation

LEGISLATIVE BILL 565. Placed on General File.

(Signed) George Syas, Chairman

Public Health and Welfare

LEGISLATIVE BILL 286. Placed on General File as amended.
Standing Committee amendmentsto LB 286:

1. Strike sections 1 to 8 and insert the following:

"Section 1. The Legislature hereby finds and declares:

(1) That the protection of the mental and physical health and life of all pregnant women in Nebraska and the unborn human life with which they are pregnant is of vital interest and concern to the State of Nebraska. The purpose of this act is to preserve and protect the physical and mental health and life of pregnant women and the health of the unborn human life with which they are pregnant. The Legislature further finds that the lack of experience in Nebraska with respect to abortion requires that strict regulations, controls, and procedures be implemented to protect the health, both physical and mental, of the pregnant woman.

(2) That current judicial and medical professional remedies to protect the life, health and welfare of pregnant women and unborn human life are grossly inadequate.

(3) That it is in the interest of the people of the State of Nebraska to maintain accurate statistical data to aid in providing proper maternal health regulations.

Sec. 2. As used in this act, unless the context otherwise requires:

(1) Abortion shall mean an act, procedure, device, or prescription administered to or prescribed for a pregnant woman by any person, including the pregnant woman herself, with either the intent or result of producing the premature explusion, removal, or termination of the human life within the womb of the pregnant woman;

(2) Hospital shall mean those institutions licensed by the State Board of Health pursuant to sections 71-2017 to 71-2029, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto;

(3) Consent shall mean a signed and witnessed voluntary agreement to the performance of an abortion;

(4) Physician shall mean any person licensed to practice medicine in this state as provided in sections 71-102 to 71-110, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto;

(5) Pregnant shall mean that condition of a woman who has unborn human life within her as the result of conception;

(6) Conception shall mean the fecundation of the ovum by the spermatozoa;

(7) Viability shall mean that stage of human development when the life of the unborn child may be continued by natural or life-support systems outside the womb of the mother; and

(8) Accepted medical procedures shall mean procedures of the type and performed in a manner and in a facility which is equipped with surgical, anaesthetic, resuscitation, and laboratory equipment sufficient to meet the standards of medical care which physicians in the same neighborhood or in similar communities, engaged in the same or similar lines of work, would ordinarily exercise and devote to the benefit of their patients.

Sec. 3. Every physician consulted about abortion by an expectant mother shall inform her of agencies and services available to assist her to carry the pregnancy to natural term, and shall further inform the expectant mother as to all reasonably possible medical and mental consequences resulting from the performance of an abortion.

Sec. 4. Any physician who fails to comply with the provisions contained in section 3 of this act shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not less than five hundred dollars and not more than one thousand dollars, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment. Each violation shall constitute a separate offense.

Sec. 5. No abortion shall be performed or prescribed after the unborn child has reached viability, except when necessary to preserve the woman from an imminent peril that substantially endangers her life or health.

Sec. 6. No abortion procedure or act shall be employed or prescribed after the unborn child has reached viability, which procedure has the direct or indirect effect of terminating the viability of the unborn child prior to, during, or following the abortion, except when necessary to preserve the woman from an imminent peril that substantially endangers her life or health.

Sec. 7. Any physician or other person who violates any provision of section 5 or 6 of this act shall be guilty of a felony and shall, upon conviction thereof, be imprisoned in the Nebraska Penal and Correctional Complex for a period not less than one year and not more than five years.

Sec. 8. No abortion shall be performed or prescribed on any minor child in the State of Nebraska without her written consent and the consent of the parent or guardian of such minor child.

Sec. 9. No abortion shall be performed or prescribed on any woman except when necessary to preserve the woman from an imminent peril that substantially endangers her life or health, who has not previously submitted to the physician in attendance a written statement by the father of the unborn human life, if the father is known, affirming his consent to the performance of the abortion. If the father is unknown, the woman requesting the abortion shall so affirm in writing to the physician in attendance.

Sec. 10. Any physician or other person who performs or prescribes an abortion without the consents required in sections 8 and 9 of this act shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by imprisonment in the county jail for not less than six months and not more than one year.

Sec. 11. Any person other than a licensed physician who performs or prescribes an abortion shall be guilty of a felony and shall, upon conviction thereof, be imprisoned in the Nebraska Penal and Correctional Complex for a period not less than one year and not more than five years.

Sec. 12. Any person who performs or prescribes an abortion by using anything other than accepted medical procedures shall be guilty of a felony and shall, upon conviction thereof, be imprisoned in the Nebraska Penal and Correctional Complex for a period not less than one year and not more than five years.

Sec. 13. No hospital, clinic, institution, or any other facility in this state shall be required to admit any patient for the purpose of performing an abortion nor required to allow the performance of an abortion therein; Provided, that the hospital, clinic, institution, or any other facility shall inform the patient of its policy not to participate in abortion procedures. No cause of action shall arise against any hospital, clinic, institution, or any other facility for refusing to perform or allow an abortion.

Sec. 14. No person shall be required to perform or participate directly or indirectly in any abortion, and the refusal of any person to participate in an abortion shall not be a basis for civil liability to any person. No hospital, governing board, or any other person, firm, association, or group shall terminate the employment or alter the position of, prevent or impair the practice or occupation of, or impose any other sanction or otherwise discriminate against any person who refuses to participate in an abortion.

Sec. 15. Any firm, corporation, group, or association who violates section 14 of this act shall, upon conviction, be punished by a fine of not less than five hundred dollars nor more than one thousand dollars. Any person who shall violate section 14 of this act shall, upon conviction, be punished by a fine of not less than five hundred dollars nor more than one thousand dollars, or imprisoned in the county jail for not less than thirty days or more than six months.

Sec. 16. Any person whose employment or position has been in any way altered, impaired, or terminated in violation of this act may sue in the district court for all consequential damages, lost wages, reasonable attorney's fees incurred, and the cost of litigation.

Sec. 17. Any person whose employment or position has in any way been altered, impaired, or terminated because of his refusal to participate in an abortion shall have the right to injunctive relief, including temporary relief, pending trial upon showing of an emergency, in the district court, in accordance with the statutes, rules, and practices applicable in other similar cases.

Sec. 18. Whoever shall use, sell, transfer, distribute, or give away any living fetus or fetuses for any form of experimentation, or for any other purpose, shall, upon conviction thereof, be punished by a fine of not more than one thousand dollars, or by imprisonment in the county jail for a period of not more than one year, or by both such fine and imprisonment. Any person consenting, aiding, or abetting such use, sale, transfer, distribution, or other unlawful disposition of a fetus or fetuses, shall be punished by a fine of not more than one thousand dollars, or by imprisonment in the county jail for a period of not more than one year, or by both such fine and imprisonment.

Sec. 19. The Bureau of Vital Statistics, Department of Health, shall establish an abortion reporting form, which shall be used for the reporting of every abortion performed or prescribed in this state. Such form shall include the following items in addition to such other information as may be necessary to complete the form:

(1) The age of the pregnant woman;

(2) The martial status of the pregnant woman;

(3) The location of the facility where the abortion was performed or prescribed;

(4) The type of procedure performed or prescribed;

(5) Complications, if any;

(6) The name of the attending physician;

(7) The name of the referring physician, agency, or service, if any;

(8) The pregnant woman's obstetrical history regarding pervious pregnancies, abortions, and live births;

(9) The stated reason or reasons for which the abortion was requested; and

(10) The state and county of the pregnant woman's legal residence.

The completed forms shall be signed by the attending physician and sent to the Bureau of Vital Statistics within fifteen days after each reporting month. The completed form shall be an original, typed or written legibly in durable ink, and shall not be deemed complete unless the omission of all items of information required shall have been disclosed or satisfactorily accounted for. Carbon copies shall not be acceptable.

Sec. 20. The Department of Health shall prepare and keep on permanent file compilations of the information submitted on the abortion reporting forms pursuant to such rules and regulations as established by the Department of Health, such compilations shall be a matter of public record. The Department of Health, in order to maintain and keep such compilations current, shall file with such reports any new or amended information.

Sec. 21. If any section of this act or any part of any section shall be declared invalid or unconstitutional, such declaration of invalidity shall not affect the validity of the remaining portions thereof.

Sec. 22. That sections 28-404 and 28-405, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

(Signed) Thomas C. Kennedy, Chairman

ANNOUNCEMENT

Mr. Burbach reported to the members on his trip to Washington, D. C. regarding LR 31.

COMMITTEE TO ESCORT THE GOVERNOR

President Marsh appointed Messrs. Fowler, Mahoney and Anderson to escort the Governor to the Chamber.

The Committee escorted Governor Exon to the rostrum.

GOVERNOR'S MESSAGE

Mr. President, Mr. Speaker, Members of the Legislature,
Ladies and Gentlemen:

Thank you for allowing me the time to present an Interim Report on the State of the State. This message will be brief but important.

I am pleased to bring you good news this morning!

Latest revenue projections and receipts, coupled with our on-going sound fiscal management policies, can allow at least a reduction of up to 33% next year on state income taxes by reducing the rate from 15 to 10%.

Even further tax reductions could be realized if you decide not to employ $20 million of federal general revenue sharing for aid to education and real property tax relief. If this was the case and if you reject the temptation to spend such funds on other projects we could, in addition, reduce the state sales tax from 2½ to 2%. This eventually could provide, therefore, a decrease of 20% in the state sales tax in addition to the 33% reduction in the state income tax.

These tax reductions are possible and predictable only on the basis that the Legislature will not launch extensive new state obligations. We would also have to continue the policy of this administration to meet legitimate needs but refrain from trying to satisfy all by giving in to ever increasing spending demands.

While income tax refunds are running higher than normal we are experiencing substantial unanticipated increased revenues on both the state sales and income taxes.

The increased receipts are in part due to the present relative healthy state of the economy in Nebraska. I emphasize that these figures and recommendations are based upon present trends that we hope will continue. Barring any downturn in the economy or your increased spending directives, such reduced rates are attainable goals that will have to be formally and finally set by the State Board of Equalization at its meeting this November to take effect next year. They are predicated on the assumption of a good agriculture season and prices for our farmers and continued expansion of our industrial and tourism growth.

It is important that I share these facts with the Legislature and the people. Our Department of Revenue has just provided me with latest projections that indicate that the state will have a net increase from collections of $8 million more than previously estimated for the end of the current fiscal period, June 30, 1973, plus a possible additional $9 million for the fiscal year ending June 30, 1974, under present tax rates.

Due to cash flows, coupled with our established system of setting tax rates on a calendar rather than a fiscal year basis the tax decreases that I am suggesting are possible. It should be remembered that under our procedures we, in effect, set tax rates on cash flow requirements rather than strict adherence to calendar year liability.

I am sure that this information is timely, necessary and will be valuable as the Legislature now faces its important appropriation duties.

A word of caution is in order. I am hopeful that the majority of the Legislature will resist the tendency that will immediately surface by some special interest groups to view these additional tax funds as a bonanza to finance a host of projects.

While there are all kinds of spending authorizations that may be considered, I direct your attention to my budget recommendations, as amended, which I maintain meets the legitimate needs of the state, subject of course to relative minor adjustments the Legislature may care to make.

There is a very real threat to break wide open the Governor's realistic budget recommendations. Your Appropriations Committee has already increased my operations suggestions by nearly $5 million dollars and coalitions within the committee and on the floor seem to be forming to add on an additional $10 to $12 million to my capital construction requests. This total increase of $15 to $17 million does not recognize other new multi-million dollar expenditures that are presently contemplated in bills initiated by Senators and under consideration at this time.

Let me remind you that under the previous every-other-year sessions, it was customary to authorize capital construction expenditures of between approximately $20 to $30 million every two years. During 1971, we approved $6 million of contructions, in 1972 about $18 million plus a $12 million dollar field house. My recommendations to you this year were for $18 million. In addition, we have approved a $20 million state office building under special financing.

With this in mind may I suggest to your body that you now view yourselves as members of the Board of Directors of the biggest business in the state. We have, at least temporarily, the additional funds that I have outlined.

Do you now further enlarge the scope of the business and commit all or most of the increased revenues to additional spending programs? Or, on the other hand, do you conserve these funds as much as realistic and prudent and thereby allow the "stockholders", in this case the people of the state, a dividend in the form of a substantial tax reduction? It seems to me those are your choices. I recommend the latter course since the people are already carrying a heavy burden at the national, county and city levels especially on income and real estate taxes.

In addition to the increased revenues that I have announced in collections, we must consider the revenues available from general revenue sharing. Many spending eyes and ideas are eagerly viewing these federal dollars.

As Governor, I have suggested conserving most of these funds for aid to education and resulting property tax relief. The majority of your Appropriations Committee does not agree and seem destined to recommend all of these revenue sharing dollars for additional spending rather than any consideration for tax relief.

The point that I wish to make here is that the majority of General Revenue Sharing Funds, as originally intended and understood, should be employed to reduce taxes either through aid to education and accompanying real estate relief or by some other means. In my opinion, to do otherwise would be breaking faith. Contrary to some statements, revenue sharing is not "free money" but funds we must conserve and use wisely. They are tax funds like any other revenue of government.

Finally there have been concerns, some of which are legitimate, due to confusion in Washington which may reduce the flow of funds into some worthwhile programs. We have no reason to believe that all of this will be resolved before the first of July. As I warned in my January address, the state capitol doors have been spinning merrily by groups seeking state funding to make up for a potential loss in federal dollars.

At this time no one knows for certain if any federal funds will definitely be eliminated. Within the last week one Federal Court has ruled that the President may not impound funds while another has ruled that the President cannot dismantle programs established by the Congress.

I want to mention, in this regard, that this Governor has not and does not intend to impound duly authorized expenditures by the Legislature although I may heartily disagree with your actions. The separation of powers are more important than who happens to be the Governor or serves in the Legislature at a given time.

In closing, let me advise that if and when significant federal funds are actually lost on important people oriented programs, there will be sufficient time to call a Special Session, if absolutely necessary, and request legislative appropriations to cover any especially vital areas that might be impaired by Washington decisions. The cost of a Special Session would be far less than the funds which you may now prematurely authorize which might be unnecessarily spent in the event federal funds were not withheld.

I am sure that the information that I have provided this morning will be helpful to the Legislature. With you lies the sole responsibility for appropriations which actually set tax rates. It is my hope that you will respond favorably to my recommendations which, coupled with the very latest figures on revenues, will not only prevent a tax increase but allow reductions.

Thank you for your time and attention.

The Committee escorted the Governor from the Chamber.

MOTION—Order of Business

Mr. Carpenter moved to hold all the bills on Final Reading and go to General File, move all bills toward Final Reading and to expedite LB 259 across the board to Final Reading.

The Chair ruled this motion would take 25 votes.

Speaker Proud appealed the ruling of the Chair. The question is, "Shall the Chair be sustained?" The motion prevailed with 32 ayes, 5 nays and 12 not voting.

Mr. Skarda moved the previous question. The question is, "Shall the debate now cease?" The motion prevailed with 29 ayes, 11 nays and 9 not voting.

Mr. Marvel moved to amend the Carpenter motion to exclude LB 257 and LB 258.

Mr. Proud requested a record vote.

Voting in the affirmative, 38:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
DeCamp
Dickinson
Duis
Epke
Fellman
Goodrich
Johnson
Kelly
Kennedy
Keyes
Kime
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marvel
Moylan
Murphy
Nore
Proud
Rasmussen
Simpson
Skarda
Snyder
Stahmer
Stromer
Warner
Whitney
Wiltse

Voting in the negative, 6:

Chambers
Fowler
Marsh
Savage
Schmit
Syas

Not voting, 5:

Clark
Hasebroock
Richendifer
Stull
Waldron

The amendment was adopted with 38 ayes, 6 nays and 5 not voting.

Mr. Proud requested a record vote on the Carpenter motion,as amended.

Voting in the affirmative, 27:

Barnett
Carpenter
Dickinson
Duis
Epke
Fellman
Kennedy
Keyes
Kime
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Marvel
Moylan
Murphy
Nore
Rasmussen
Savage
Simpson
Skarda
Snyder
Stahmer
Stromer
Whitney
Wiltse

Voting in the negative, 17:

Anderson
Burbach
C. Carsten
F. Carstens
Cavanaugh
Chambers
DeCamp
Fowler
Goodrich
Johnson
Kelly
Maresh
Marsh
Proud
Schmit
Syas
Warner

Not voting, 5:

Clark
Hasebroock
Richendifer
Stull
Waldron

The motion, as amended, prevailed with 27 ayes, 17 nays and 5 not voting.

UNANIMOUS CONSENT—Print in Journal

Mr. Chambers asked unanimous consent to print the following letter in the Journal. No objections. So ordered.

League of Women Voters of Nebraska

April 13, 1973

The Honorable Ernest Chambers
State Capitol
Lincoln, Nebraska 68509

Dear Senator Chambers:

On behalf of the League of Women Voters of Nebraska, I would like to protest the conduct of the public hearing on the election bills, LB 554-562, held Thursday, April 12. The League believes the public hearing is an integral part of the legislative process in a democracy. Public hearings should include testimony from both supporting citizens attending the hearing on the bills as well as those in opposition. It can not be assumed that the committee members are in favor of the bills; therefore, those arguments supporting the bills should be heard. Also, there may have been questions about certain sections of the bill which needed to raised and the opportunity should be given to citizens to raise those questions.

We are aware of the need to expedite these bills because they were introduced so late by the Secretary of State's office. (We have already registered a protest with Mr. Beerman about his timing.) However, we feel that the public is better served by a complete hearing on all bills.

Thank you for your consideration of this matter.

Sincerely,

(Signed) Mrs. Mary Zilly
State President

UNANIMOUS CONSENT—Unbracket LB 496

Mr. Schmit asked unanimous consent to unbracket LB 496 on Select File. No objections. So ordered.

ATTORNEY GENERAL'S OPINION

Opinion No. 43
April 16, 1973

Senator Frank Lewis
Nebraska State Legislature
State Capitol
Lincoln, Nebraska

Dear Senator Lewis:

You have submitted to us a proposed amendment to the Standing Committee amendments to L. B. 445. Your amendment would amend Section 79-1522, R. R. S. 1943, to provide in part:

> "Each school employee or emeritus member who retired before July 1, 1973 and who is receiving a service annuity as of that date shall have such service annuity adjusted by the increase in the cost of living as determined by the difference between the Consumers Price Index for Urban Wage Earners and Clerical Workers from the date the service annuity commenced and July 1, 1973, except that such annuity shall not exceed three dollars monthly annuity per year of service, based on the same number of years of service that is currently being used to determine his service annuity. Such increased service annuity shall commence on July 1, 1973."

In an opinion of this office dated April 12, 1973, addressed to Senator Whitney, we discussed the amendment of Article III, Section 19 of the Nebraska Constitution, pointing out that this constitutional provision authorized increases in retirement benefits of retired public employees only when it was tied to changes in the cost of living or wage levels since the retirement of the employees. It appears to us that the amendment you have submitted to us complies with this requirement, and we see no constitutional difficulties with the proposed amendment.

Very truly yours,

CLARENCE A. H. MEYER
Attorney General

(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:ejg

cc Mr. Vincent D. Brown
Clerk of the Legislature

VISITORS

President Marsh introduced 18 7th and 8th grade students from Byron Public School, Byron, Nebraska, 7 sponsors and teacher Mrs. Jarald Brown.

RECESS

At 11:55 a.m., on a motion by Mr. F. Lewis, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:00 p.m., President Marsh presiding.

The roll was called and all members were present except Messrs. Clark, Hasebroock, and Stull who were excused; and Mr. DeCamp who was absent until 3:15 p.m.

STANDING COMMITTEE REPORTS
Miscellaneous Subjects

LEGISLATIVE RESOLUTION 25. Placed on General File.

LEGISLATIVE BILL 545. Placed on General File.

(Signed) J. James Waldron, Chairman

MOTION–Deficiency Bills

Mr. Syas moved that the Governor be urged to not request the introduction of any bill to cover any deficiency to cover any over spending by his administration above his budget figures to the next session of the Legislature.

Mr. Carpenter moved to amend the motion that the Legislature will not grant any deficit appropriations. The Carpenter amendment prevailed with 23 ayes, 10 nays and 16 not voting.

The Syas motion, as amended, prevailed with 28 ayes, 14 nays and 7 not voting.

SELECT FILE

LEGISLATIVE BILL 547. The Carpenter pending amendment found in the Journal on page 1258 for the Sixty-seventh Day was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 496. Advanced to E & R for Engrossment.

MOTION—Return LB 469 to Select File

Mr. Whitney moved to return LB 469 to Select File for the following specific amendment:

Add the emergency clause.

The motion prevailed with 26 ayes, 0 nays and 23 not voting.

SELECT FILE

LEGISLATIVE BILL 469. The Whitney specific amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

ATTORNEY GENERAL'S OPINION

Opinion No. 42A
April 16, 1973

Senator Wally Barnett, Jr.
Nebraska State Legislature
State Capitol
Lincoln, Nebraska

Dear Senator Barnett:

You have requested that we amplify our opinion to you dated April 12, 1973, with respect to the first question dealth with therein.

It follows from the conclusions which we expressed in our April 12 opinion that the fire marshal would have no authority to promulgate rules and regulations concerning nursing homes, homes for the aged and infirm and jails, insomuch as those types of structures are not specifically enumerated in Section 81-502.

Very truly yours,

CLARENCE A. H. MEYER
Attorney General

(Signed) C. C. Sheldon
Assistant Attorney General

CCS:jc
cc: Vincent Brown
Clerk of the Legislature

GENERAL FILE

LEGISLATIVE BILL 259. Title read. Considered.

Standing Committee amendments referred to in the Journal on page 1045 for the Sixieth Day were rejected.

Speaker Proud moved to discuss LB 259 line by line.

Mr. Carpenter moved the previous question. The question is, "Shall the debate now cease?" Speaker Proud requested a record vote.

Voting in the affirmative, 31:

Barnett
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Fellman
Johnson
Kelly
Kennedy
Keyes
Kime
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Moylan
Murphy
Nore
Rasmussen
Richendifer
Savage
Schmit
Skarda
Snyder
Stahmer
Syas
Waldron
Whitney
Wiltse

Voting in the negative, 11:

Anderson
Burbach
Chambers
Duis
Epke
Fowler
Goodrich
Marsh
Marvel
Proud
Warner

Not voting, 7:

Clark
DeCamp
Dickinson
Hasebroock
Simpson
Stromer
Stull

The motion prevailed with 31 ayes, 11 nays and 7 not voting.

Mr. Proud requested a record vote on his motion.

Voting in the affirmative, 18:

Anderson F. Carstens Cavanaugh Chambers Dickinson
Duis Goodrich Kelly Maresh Marsh
Marvel Moylan Proud Schmit Snyder
Stromer Warner Whitney

Voting in the negative, 25:

Barnett Burbach Carpenter C. Carsten Epke
Fellman Fowler Kennedy Kime Kremer
F. Lewis R. Lewis Luedtke Mahoney Murphy
Nore Rasmussen Richendifer Savage Simpson
Skarda Stahmer Syas Waldron Wiltse

Not voting, 6:

Clark DeCamp Hasebroock Johnson Keyes
Stull

The motion lost with 18 ayes, 25 nays and 6 not voting.

Advanced to E & R for Review with 37 ayes, 8 nays and 4 not voting.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 259. Placed on Select File as amended.
E & R amendments to LB 259:

1. On page 52, line 1, strike "Grain" and insert "Agricultural".
2. On page 59, lines 13 and 14, strike "Federal Revenue Sharing" and insert "Revenue Sharing Trust".
3. On page 55, line 26, insert ", Telecommunications Cash Fund" after "Fund".
4. On page 68, after line 3, insert "Mexican-Americans, Commission on 67

(Signed) John J. Cavanaugh, Chairman

UNANIMOUS CONSENT—Change of Order

Mr. Carpenter moved to revert to Select File at this time. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 259. E & R amendments found in this day's Journal were adopted.

Mr. Proud asked unanimous consent to take a machine record vote on advancing LB 259 to E & R for Engrossment. No objections. So ordered.

Mr. Savage moved the previous question. The question is, "Shall the debate now cease?" The motion prevailed with 27 ayes, 12 nays and 10 not voting.

Mr. Proud moved to reduce the Governor's Budget by 10%. The motion lost with 4 ayes, 34 nays and 11 not voting.

Mr. Carpenter moved to advance LB 259 to E & R for Engrossment.

Voting in the affirmative, 29:

Barnett	Carpenter	C. Carsten	F. Carstens	Dickinson
Epke	Fellman	Kelly	Kennedy	Keyes
Kime	Kremer	R. Lewis	Luedtke	Mahoney
Marvel	Moylan	Murphy	Nore	Rasmussen
Richendifer	Savage	Skarda	Snyder	Stahmer
Stromer	Waldron	Whitney	Wiltse	

Voting in the negative, 15:

Anderson	Burbach	Cavanaugh	Chambers	DeCamp
Fowler	Goodrich	Johnson	Maresh	Marsh
Proud	Schmit	Simpson	Syas	Warner

Not voting, 5:

Clark	Duis	Hasebroock	F. Lewis	Stull

The motion prevailed with 29 ayes, 15 nays and 5 not voting.

GENERAL FILE

LEGISLATIVE BILL 445. Title read. Considered.

Mr. Whitney moved to reject the Standing Committee amendments found in the Journal on page 1136 for the Sixty-third Day. The motion lost with 12 ayes, 23 nays and 14 not voting.

Mr. F. Lewis offered the following amendment to the Standing Committee amendments which was adopted:

1. In section 1, lines 8 and 9 of the Standing
Committee Amendment, strike "increased to equal"

and insert "adjusted by the increase in the cost
of living as determined by the difference between
the Consumers Price Index for Urban Wage Earners
and Clerical Workers from the date of service
annuity commenced and July 1, 1973, except that
such annuity shall not exceed"

Standing Committee amendments were adopted as amended.

Advanced to E & R for Review with 38 ayes, 0 nays and 11 not voting.

SELECT FILE

Enrollment and Review

LEGISLATIVE BILL 540. Replaced on Select File as amended.
E & R amendment to LB 540:

1. In line 2 of E & R 14, insert "second" after "the".

LEGISLATIVE BILL 343. Replaced on Select File as amended.
E & R amendments to LB 343:

1. On page 3, line 20, strike the second "and" and show as stricken.
2. On page 6, line 3, strike "(3)" and insert "~~(3)~~ (4)".

LEGISLATIVE BILL 497. Placed on Select File as amended.
E & R amendments to LB 497:

1. On page 2, insert a comma at the end of line 14; insert "which" at the end of line 22; and in line 23 insert a comma after "proteins".
2. On page 4, line 13 and 15, strike "when"; and in line 17 insert a comma after "pasteurized".
3. On page 5, line 22, strike the comma and insert "or".
4. On page 6, line 9, insert a comma after "offer"; and in line 27 strike "are not" and insert "shall not be".
5. On page 7, strike the comma in lines 13 and 14; in line 15 insert a comma after "packaged"; and in line 22 strike "who" and insert ", which".
6. On page 8, line 11, strike "where" and insert "when"; and in line 24 insert a comma after "modify".
7. On page 9, line 1, insert "(1)" before "All"; in lines 4 to 16 redesignate subdivisions as (a) to (e); in line 17 insert "(2)" before "Tanks"; in lines 23 to 27 redesignate subdivisions as (a) to (h); strike the comma

in line 18; in line 19 strike "are required to" and insert "shall"; in line 23 strike "Shipper's" and insert "The shipper's"; insert "an" at the end of line 24; and insert "the" before the second "permit" and after "of" in line 24, after the first and third "of", before "point" and at the end of line 25, before "name", "product", and "weight" in line 26, and after "of" each place and before "grade" and "temperature" in line 27.

8. On page 10, line 1, redesignate subdivisions (9) and (10) as (i) and (j) and insert "the" before "date"; in line 7 insert "(3)" before "Required"; in line 12 strike "above"; and in line 25 strike "; this" and insert ". The".

9. On page 11, line 2, strike "call" and insert "be grounds"; and strike the comma in line 8.

10. On page 13, strike the comma in line 13.

11. On page 16, line 5, insert a comma after "products"; and in line 6 strike the semicolon and insert a comma.

12. On page 17, line 3, insert "separate" before "receiving"; and in lines 3 and 4 strike "separate from (a), (b), and (c) above,".

13. On page 18, line 3, insert a comma after "packaged".

14. On page 19, line 9, insert a comma after "handling"; in line 14 strike "and"; and insert "and" at the end of line 25.

15. On page 22, line 5, insert a comma after the third "milk"; in line 8 insert a comma after the first "products"; and in line 23 strike the comma.

16. On page 23, line 5, strike the comma; in line 15 strike "and" and insert "or"; and in line 27 insert a comma after the second "products".

17. On page 24, line 1, strike "is authorized to" and insert "may"; in line 6 strike ", of" and insert "and" and strike the second comma; and in line 12 insert a comma after "information".

LEGISLATIVE BILL 494. Placed on Select File as amended.
E & R amendments to LB 494:

1. On page 2, line 5, strike "31" and insert "33".

2. On page 3, line 6, insert "and" after the second comma; and insert an underscored comma at the end of line 26.

3. On page 5, line 11, strike the semicolon and insert an underscored comma; and in line 24 strike "31" and insert "33".

4. On page 8, line 15, strike the comma; and in line 21 strike "be deemed to".

5. On page 9, line 10, strike "is" and insert "shall be"; in line 13 insert "he" after the comma; in line 19 strike "purpose" and insert "purposes"; strike line 20 and insert "this act, the Governor may"; in line 25 insert "that" after "a"; and in line 26 strike "this" and insert "the" and strike "the".

6. On page 10, line 8, strike ". Thereupon," and insert ", whereupon"; in line 12 insert "and" after the comma; in line 14 strike "Proclamation" and insert "All proclamations"; and in line 18 insert "shall be" after the comma.

7. On page 11, line 6, strike "is" and insert "shall be"; and in line 12 strike "herein restricts" and insert "shall restrict".

8. On page 13, line 16, strike "will serve to" and insert "shall".

9. On page 14, line 11, insert "and" after the comma.

10. On page 16, line 19, strike ", and" and insert "and,".

11. On page 17, line 17, strike "these terms are".

12. On page 18, line 4, strike "this" and insert "such".

13. On page 19, line 15, strike the second comma.

14. On page 20, lines 6 and 7, strike "for same" and insert "therefor".

15. On page 21, line 20, strike "foregoing"; in line 22, strike the semicolon and insert an underscored comma; and strike line 23 and "to" in line 24 and insert "Administrative Services shall".

16. On page 22, line 3, strike "hereof" and insert "of this act"; in line 4 strike "as aforesaid"; in line 5 strike "herein" and insert "by this section" after "Governor"; and in line 10 strike "such".

17. On page 23, line 15, strike "this" and "any such".

18. On page 24, line 20, strike "is" and insert "shall be".

19. On page 25, line 6, insert "with respect thereto" before "to"; and in line 19 strike the second comma and strike "issue" and insert "be issued".

20. On page 27, line 20, strike "; Provided, that the" and insert ". The"; and in line 23 strike "; and provided further," and insert ", and".

21. On page 28, line 13, strike "such".

22. On page 32, strike beginning with the comma in line 7 through the comma in line 8; in line 9 strike "or international"; in line 18, strike "hereof" and insert "of this section"; and in line 21 strike "becomes" and insert "shall become".

23. On page 33, lines 5 and 13, strike "and" and insert "or"; and in line 26 strike "is" and insert "shall be".

24. On page 34, line 6, strike the semicolon and insert an underscored comma; and in lines 19 and 20 strike "the provisions of".

25. On page 35, line 5, strike "is" and insert "shall be".

26. On page 41, line 15, insert "hereby" after "state"; in line 17 strike the comma; and in line 18 strike "states".

27. On page 42, line 22, strike "herein" and insert "in this subsection".

28. On page 43, line 2, insert "made" after "be"; in line 18 strike "applies" and insert "shall apply"; and in line 19 strike "authorizes" and insert "authorize".

29. On page 48, lines 17 and 18, strike "the provisions of".

30. In the title, line 7, insert "to provide for financial aid to the Civil Air Patrol;" after the semicolon.

LEGISLATIVE BILL 510. Placed on Select File as amended.
E & R amendment to LB 510:

1. In the title, strike lines 2 to 7 and insert:

"FOR AN ACT to amend section 85-1,100, relating to the
University of Nebraska; to provide for the
maximum cost of the new field house; to repeal
the original section; and to declare an
emergency.".

LEGISLATIVE BILL 474: Placed on Select File as amended.
E & R amendments to LB 474:

1. In standing committee amendment 1, line 5, insert an underscored comma after "intelligent"; and in line 6 strike the second "and" and insert an underscored comma.

2. On page 3, line 19 strike the comma; and insert "and" at the end of line 21.

3. On page 4, line 12, strike "is"; in line 16 strike "then"; in lines 19 and 20, strike "7 and 8 of this act" and insert "25-1096 and 25-1097"; strike line 22 and insert "section 25-1094"; and in line 27 strike the comma and show stricken.

4. On page 6, strike the comma in lines 15 and 22 and show stricken.

LEGISLATIVE BILL 493. Placed on Select File as amended.
E & R amendments to LB 493:

1. On page 3, line 13, strike "(a) is authorized to" and insert "may (a)"; strike "may" in lines 15 and 16; in line 22, strike "subdivision" and insert "subsection"; and in line 27, strike "lessor" and insert "lesser".
2. In lieu of the Keyes amendment, on page 3, insert "When a county road adjoins the corporate limits of any city or village, the powers granted in this subsection may be exercised by the governing body of such city or village." at the end of line 27.
3. On page 4, line 1, strike "section" and insert "sections 39-1701 and"; and in line 2, strike "is" and insert "are".
4. In the title, line 2, strike "section" and insert "sections 39-1701 and"; in line 4, insert "to provide an alternative means of payment;" after the semicolon; in line 6, strike "and" and insert "to provide for municipal exercise of such authority;"; and in line 7, strike "section" and insert "sections; and to declare an emergency".

LEGISLATIVE BILL 544. Placed on Select File.

LEGISLATIVE BILL 75. Placed on Select File as amended.
E & R amendments to LB 75:

1. In section 2, line 10, strike "their" and insert "its".
2. In section 5, line 6, insert an underscored period after "meeting"; and in line 7, strike the period and show stricken and insert an underscored comma after "meeting".
3. In section 16, line 3, strike "and" and insert "~~and~~".
4. In section 17, line 5, strike "and" and insert "~~and~~".
5. In the title strike lines 2 to 8 and insert:

"FOR AN ACT to amend sections 23-149, 23-214, 23-215, 23-227, 23-234, 23-237, 23-238, 23-241, 23-242, 23-250, 23-252, 23-253, 23-257, 23-259, 23-260, 23-283, 23-287, 23-293, and 39-1520.01, Reissue Revised Statutes of Nebraska, 1943, relating to counties under township organizations; to harmonize with other legislation; and to repeal the original sections, and also sections 23-216, 23-217, 23-218, 23-220, 23-221, 23-232, 23-233, 23-235, 23-240, 23-244, 23-256, 23-280, 39-1524.01, 39-1525, and 39-1526, Reissue Revised Statutes of Nebraska, 1943.".

LEGISLATIVE BILL 422. Placed on Select File as amended.
E & R amendments to LB 422:

1. On page 2, line 2, strike the comma; in line 8, strike ". Such" and insert "Each such"; in line 10, insert a comma after "period"; in line 11, strike "; Provided, that the" and insert ". The"; in line 15, strike "because of" and both commas and insert "that" after "staff".
2. In the title, line 3, insert "; and to provide for construction" after "contracts".

LEGISLATIVE BILL 340. Placed on Select File as amended.
E & R amendments to LB 340:

1. In section 1, line 5, insert "one hundred thirty-six hours of sick leave during their sixth year of employment and shall thereafter be entitled to" after "to"; at the end of line 5, insert "of"; and in line 7, strike "and".
2. In the Keyes amendment 1, line 6, insert a comma after "purposes"; in line 7, strike "employees were" and insert "employee was"; and in line 8, strike the period.
3. In sections 2 and 3, line 1, insert a comma after "act".
4. In section 4, line 2, strike "and".
5. In the title, line 2, strike "officers" and insert "employment".

LEGISLATIVE BILL 370. Placed on Select File as amended.
E & R amendments to LB 370:

1. In the Chambers amendment 1, lines 4 and 8, insert ", Reissue Revised Statutes of Nebraska, 1943" after "84-1220".
2. In the title, strike lines 2 to 5 and insert: "FOR AN ACT relating to schools; to provide for access to personnel files as prescribed.".

LEGISLATIVE BILL 294. Placed on Select File as amended.
E & R amendment to LB 294:

1. In the title, strike lines 3 and 4 and insert "payments in lieu of taxes with respect to certain hospitals as".

LEGISLATIVE BILL 320. Placed on Select File as amended.
E & R amendments to LB 320:

1. In standing committee amendment 1, strike line 2 and insert "strike 'per' and strike 'unit' and show as stricken".

2. On page 3, line 10, strike "Codes" and insert "~~Codes~~ Code" and insert "of 1971" before "as"; and in line 12 strike the first "of" and show stricken and strike "1971".

LEGISLATIVE BILL 481. Placed on Select File as amended.
E & R amendments to LB 481:

1. In standing committee amendment 1, line 2, strike the first period.

2. On page 2, line 14, strike "All owners of boilers" and insert "The owner of any boiler".

LEGISLATIVE BILL 487. Placed on Select File as amended.
E & R amendments to LB 487:

1. In standing committee amendment 1, line 7, strike "act is not to" and insert "section shall not".

2. In the title, strike lines 4 to 8 and insert "public peace; to extend provisions to any elected or appointed officials and include all political subdivisions; to provide a restriction; and to repeal the original section.".

(Signed) John J. Cavanaugh, Chairman

STANDING COMMITTEE REPORTS

Agriculture and Enrironment

LEGISLATIVE BILL 535. Placed on General File as amended.
Standing Committee amendments to LB 535:

1. On page 2, strike lines 3 to 6 and insert:

"(1) Certified veterinarian shall mean an accredited veterinarian employed by or under contract to a livestock market to perform the duties required by this act. Certification shall be made by the director in accordance with section 6 of this act;".

2. On page 3, line 10, strike the period and insert "; and

(10) State Veterinarian shall mean the Chief of the Bureau of Animal Industry, Department of Agriculture."

3. Strike original section 6 and insert a new section to read as follows:

"Sec. 6. Each livestock market in the state shall employ or contract with one or more veterinarians to perform all duties required by the provisions of this act. Such veterinarians shall be certified by the director as a condition precedent to employment or contract with a livestock market to be qualified to carry out the duties prescribed by this act. Such employment or contract may be for such period and at such compensation as the livestock market may prescribe.

All such certified veterinarians shall issue such orders as required to achieve compliance with the provisions of this act. Such orders shall have the same force and effect as orders issued by the State Veterinarian.

Certification of any veterinarian employed under this act may be withdrawn upon a determination that such veterinarian has failed or ceased to carry out the duties required by this act. Such determination shall be made at a hearing held in accordance with the provisions of Chapter 84, article 9, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto.".

4. On page 7, line 6, strike "inspect" and insert "cause" and insert "to be inspected" after "market"; in line 8, strike "an authorized" and insert "a certified" and insert before the period "or under the supervision of a certified veterinarian"; and in lines 17, 19, and 25, strike "authorized" and insert "certified".

5. On page 8, lines 7 and 8, strike "sections 11 to 13" and insert "this section and sections 13 and 14"; and in lines 17 and 18, strike "sections 11 to 13" and insert "this section and sections 12 and 13".

6. On page 9, line 20, insert "Inspection" after "health".

(Signed) Loran Schmit, Chairman

ADJOURNMENT

At 4:08 p.m. on a motion by Mr. Chambers, the Legislature adjourned until 9:00 a.m., Tuesday, April 17, 1973.

Vincent D. Brown
Clerk of the Legislature

SIXTY-NINTH DAY—APRIL 17, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

SIXTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 17, 1973

Pursuant to adjournment, the Legislature met at 9:06 a.m., Mr. Luedtke presiding.

PRAYER

The prayer was offered by the Chaplain.

> Guide Nebraska Representatives in their crucial work today, as they consider momentous issues, O Lord our God. Continue to inspire them in their work both by an understanding of the power for good which is theirs to use, and the hope for the good life which so many feel is theirs to dispense.
>
> May they not become too dismayed by the barbs of their critics, nor too deluded by the praise of their admirers.
>
> May they realize that they are, even in the midst of personal frustration and partisan attach, among the most respected of Nebraska citizens.
>
> Bless in special measure the members of this Legislature who are fulfilling roles of special responsibility; and those who are at this time experiencing special physical or spiritual need. So guide Nebraska's representatives, O God, and may their work become a blessing to many. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Nore and Skarda who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixty-eighth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 17, 17A, 220, 244, 259, 397, 411, 449, 449A, 491, 504, 511 and 541.

(Signed) John J. Cavanaugh, Chairman

UNANIMOUS CONSENT–Member Excused

Mr. Wiltse asked unanimous consent to be excused April 19 in the afternoon. No objections. So ordered.

MOTION–Final Reading

Mr. Stull moved to amend the Carpenter motion of April 16 to permit Final Reading excluding all bills which have fiscal impact.

SPEAKER PROUD PRESIDING

Mr. Warner moved to amend the Stull motion as follows:

To consider a bill to reappropriate Capitol Construction Funds for those projects under construction.

The Warner amendment prevailed with 29 ayes, 1 nay and 19 not voting.

The Stull motion, as amended, prevailed with 27 ayes, 12 nays and 10 not voting.

MOTION–Final Reading

Mr. Chambers moved that bills on Final Reading be considered in the order they come up on the worksheet. The motion lost with 11 ayes, 25 nays and 13 not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 34.

Introduced by Barnett, 26th District; Marsh, 29th District, Luedtke, 28th District; Simpson, 46th District; Fowler, 27th District; Warner, 25th District.

WHEREAS, Lancaster County is desirous of acquiring the land upon which the former Nebraska Orthopedic Hospital was located for the erection of a Detention Center; and

WHEREAS, such land is now surplus to the needs of the state; and

WHEREAS, the proposed use of such land would be very beneficial.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Executive Board of the Legislative Council is authorized to negotiate with the county board of Lancaster County for the conveyance of such land to the county for a reasonable consideration for such use.

Laid over.

LEGISLATIVE RESOLUTION 35.

Introduced by Whitney, 44th District.

WHEREAS, the Public Employees Retirement Board administers the State Employees Retirement System, the School Employees Retirement System, the Judges Retirement System, the State Patrol Retirement System, and the County Employees Retirement System; and

WHEREAS, the Nebraska Retirement Systems Committee of the Legislature has adopted a set of principles regarding retirement legislation; and

WHEREAS, members of several systems are making a greater precentage contribution than members of other systems, and receiving unequal benefits; and

WHEREAS, the Legislature recognizes that uniformity among the various retirement systems is desirable.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

That the Nebraska Retirement Systems Committee of the Legislature conduct an interim study:

1. To review the principles which were adopted by the Nebraska Retirement Systems Committee of the Eightieth Legislature;
2. To study the five retirement systems administered by the Public Employees Retirement Board in an effort to promote uniformity and equity;
3. To study the Retirement System of the University of Nebraska and the State Colleges to promote uniformity and equity; and
4. To study any ancillary subjects relating to the Nebraska Retirement Systems.

Referred to the Executive Board.

RULING OF THE CHAIR

Mr. Chambers requested a ruling of the Chair on the Stull motion of today regarding LB 259. The Chair ruled that the Stull motion includes LB 259 and could not be read on Final Reading.

MOTION–Final Reading

Mr. Stahmer moved that in lieu of all other motions on the subject adopted hereto, that we consider all bills on final reading except those that have a fiscal impact on the State General Fund except, however, that this motion does not include LB 257, LB 258, and LB 259.

The motion prevailed with 27 ayes, 10 nays and 12 not voting.

PRESIDENT MARSH PRESIDING

MOTION–Repeal Motion

Mr. Barnett moved to repeal the Carpenter motion of April 16, with regard to LB 259.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now cease?" The motion prevailed with 27 ayes, 16 nays and 6 not voting.

Mr. Barnett asked unanimous consent to substitute the following motion in lieu of the above:

To reconsider our action taken on both April 16 and 17 pertaining to the adoption of any bills on Final Reading and that we proceed with the usual order of business.

The motion lost with 16 ayes, 30 nays and 3 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 68.

A BILL FOR AN ACT to adopt the Nebraska Real Estate License Act of 1973; to provide severability; and to repeal sections 81-862 to 81-884.02 and 81-885 to 81-887, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Barnett	Burbach	C. Carsten	F. Carstens	Cavanaugh
Clark	DeCamp	Duis	Epke	Fellman
Fowler	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kime	Kremer	F. Lewis

R. Lewis
Luedtke
Maresh
Marsh
Marvel
Moylan
Murphy
Rasmussen
Richendifer
Savage
Schmit
Simpson
Snyder
Stromer
Stull
Syas
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 10:

Anderson
Carpenter
Chambers
Dickinson
Mahoney
Nore
Proud
Skarda
Stahmer
Waldron

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 68A.

A BILL FOR AN ACT to appropriate sixty-one thousand five hundred twenty-one dollars from the Real Estate Commission Cash Fund for the period of July 1, 1973 to June 30, 1974 to the Real Estate Commission, Agency No. 41 for Program 077, Enforcement of Standards – Real Estate, to aid in carrying out the provisions of Legislative Bill 68, Eighty-third Legislature, First Session, 1973.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
Clark
DeCamp
Duis
Epke
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Kremer
F. Lewis
Luedtke
Maresh
Marsh
Marvel
Moylan
Murphy
Rasmussen
Richendifer
Savage
Schmit
Simpson
Snyder
Stahmer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 7:

Dickinson
R. Lewis
Mahoney
Nore
Proud
Skarda
Stromer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 86.

A BILL FOR AN ACT relating to administrative departments; to provide for licensing of real estate appraisers; to define terms; to provide procedure; to provide powers and duties of the State Real Estate Commission; to provide penalties; to provide severability; and to provide an operative date.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Carpenter
C. Carsten
Chambers
Clark
DeCamp
Duis
Epke
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Richendifer
Savage
Schmit
Simpson
Snyder
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 4:

Burbach
Proud
Rasmussen
Stahmer

Not voting, 8:

Anderson
Barnett
F. Carstens
Cavanaugh
Dickinson
Kime
Nore
Skarda

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 164.

A BILL FOR AN ACT to amend sections 8-105, 8-110, 8-115.01, 8-116, 8-118, 8-119, 8-121, 8-124, 8-126, 8-148, 8-149, 8-158, 8-169, 8-1,123, 8-601, 8-710, 8-816, 8-820, and 8-822, Reissue Revised Statutes of Nebraska, 1943, and sections 8-131, 8-141, 8-152, and 8-602, Revised Statutes Supplement, 1972, relating to banking; to revise, clarify, and modernize provisions; and to repeal the original sections, and also section 8-1,114, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
Clark
DeCamp
Dickinson
Duis
Epke
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Marsh
Marvel
Moylan
Murphy
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 3:

Maresh
Nore
Skarda

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 357.

A BILL FOR AN ACT relating to motor vehicles; to provide special permits for farm truck-tractor and semitrailer combinations; and to provide a fee therefor.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
Clark
DeCamp
Dickinson
Duis
Epke
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Kime
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Moylan
Murphy
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Snyder
Stahmer
Stromer
Stull
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 5:

Keyes	Marvel	Nore	Skarda	Syas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT–Change of Order

Mr. Schmit asked unanimous consent to consider LB 496A at this time. No objections. So ordered.

MOTION–Return LB 496A to Select File

Mr. Schmit moved to return LB 496A to Select File for the following specific amendments:

1. On page 2, line 11, strike "herein" and insert "in section 1 of this act" after "specified".
2. Insert two new sections to read:

"Sec. 3. Cash Fund expenditures for Program No. 516-Agricultural Products Committee, for the period of July 1, 1973 to June 30, 1974, shall not be limited to the amount shown in Legislative Bill 259, Eighty-third Legislature, First Session, 1973, but may be made without limitation subject to the availability of funds.

Sec. 4. The unexpended General Fund balances existing on June 30, 1973, for Program No. 121-Officers and Employees of the Legislature-Salaries, Program No. 122-Legislative Services, and Program No. 638-Fiscal and Program Analysis are hereby reappropriated for the period of July 1, 1973, to June 30, 1974.".

3. Renumber original section 3 as section 5.
4. In the title, line 10, insert "to remove a limitation on expenditures; to reappropriate funds for the Legislative Council;" after the semicolon.

The motion prevailed with 31 ayes, 0 nays and 18 not voting.

RECESS

At 11:54 a.m., Mr. Syas moved to recess until 2:00 p.m. The motion prevailed with 23 ayes, 15 nays and 11 not voting.

AFTER RECESS

The Legislature reconvened 2:03 p.m., President Marsh presiding.

The roll was called and all members were present except Messrs. Nore and Skarda who were excused.

MESSAGE FROM THE GOVERNOR

April 16, 1973

Mr. Vince Brown
Clerk of the Legislature
State House
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 254, 331, 352, 381, 405, 416, 420, 428, 431, 462, 478, 479, 483, and 527.

These bills were signed by me on April 16, 1973 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 172. Placed on General File as amended.
Standing Committee amendments to LB 172:

1. On page 2 line 2 strike "General" and insert "Revenue Sharing Trust"; in line 4 strike "Fifty-five" and insert "ten"; after line 5 insert a new section 2:

"Sec. 2. There is hereby appropriated to the State Department of Education ten million dollars from the Revenue Sharing Trust Fund such that every district in the state receives the same amount of funds per unit of average daily memberships as every other district and which distribution shall be based upon average daily membership as defined by the State Department of Education for the regular school year. Distribution of funds shall be paid as follows: One-fourth on September 30, one-fourth on January 15, and one-fourth on March 15. These three distributions shall be based upon average daily membership for the previous school year. The final one-fourth shall be adjusted on or before July 31 so that the total distributions for the year reflect the actual average daily membership for the current year. This shall be determined from reports filed by each school district by June 30. If any district shall fail to file such report by June 30 that district's share of the final one-fourth distribution shall be forfeited and the final one-fourth distribution shall be made without consideration of the average daily membership of those districts failing to report by June 30. The final one-fourth distribution shall be made on or before July 31. Such funds shall not be considered in the computation of the state-aid under the provisions of sections 79-1330 to 79-1340, and 79-1342 to 79-1344, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto.".

2. On page 2 line 10 strike "General" and insert "Revenue Sharing Trust".

3. Renumber original sections 2 and 3 as 3 and 4 respectively.

(Signed) Jereome Warner, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 547. Replaced on Select File as amended.
E & R amendments to LB 547:

1. On page 2, line 18, strike "is".
2. In the title, strike lines 5 to 7 and insert "change provisions for the erection of buildings for the state; and to repeal the".

LEGISLATIVE BILL 445. Placed on Select File as amended.
E & R amendments to LB 445:

1. In line 1 of the F. Lewis amendment, strike "In section 1" and insert "On page 2".
2. In standing committee amendments, page 2, line 9, strike "annuity".
3. In the title, strike lines 2 to 5 and insert:

"FOR AN ACT to amend section 79-1522, Reissue Revised Statutes of Nebraska, 1943, relating to the school retirement system; to provide a cost-of-living increase in the service annuity; to repeal the original section; and to declare an emergency.".

Correctly Engrossed

The following bills were correctly engrossed: 469 and 496.

(Signed) John J. Cavanaugh, Chairman

MOTION–Sine Die Adjournment

Mr. Warner moved that we do not adjourn sine die with the passage of the various appropriation bills. The motion prevailed with 27 ayes, 15 nays and 7 not voting.

MESSAGE FROM THE GOVERNOR

April 17, 1973

The Honorable Richard Proud
Speaker of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Speaker:

From reports that I have had since my message to the Legislature on Monday, it appears that the majority of your body has read into that message some misconceptions.

In the first place, there was no hint or suggestion when I appeared before the Legislature yesterday that you should abandon all legislation pending before your body, close up shop, and go home.

While the responsibility as to when to adjourn is entirely a legislative matter, I suggest caution and careful consideration of some of your obvious hasty decisions of yesterday and this morning.

I wish to thank the body for your dispatch in moving my general operating budget and your expressions of support for my suggested tax reductions.

Evidently the body is under the misconception, however, that you are accomplishing precisely what I requested. This is certainly not the case. While there have been numerous comments on the floor regarding our budget being adequate, you have not adopted that budget.

In my message, I requested the following which you have failed to consider:

> (1) You have failed to act on our $18 million capital construction request which is a part of my budget.
>
> (2) You have failed to act to make revenue sharing funds available to finance portions of that budget or for state aid as I had suggested, and have, in effect, "impounded" these funds. As specifically referred to in my Monday message, the sales tax cannot be reduced unless you release such funds. We shall present you immediately with a bill to allow such appropriation to reduce the sales tax.

I have been amazed at some of the misconceptions that have surfaced. Responsible government and actions seem to have given way to emotions. There are several matters worthy of your attention before you adjourn, but I emphasize again this is your decision. If you hastily adjourn there are undoubtedly other important required actions that will arise that have been overlooked.

As an example, you have to date failed to reappropriate capital construction funds to continue capital construction previously authorized and now under construction. It would be the height of irresponsibility to place such projects in jeopardy, and we will rush a bill to you to correct this oversight.

I willingly accept the responsibility to "live" with my budget that seems to be a popular topic in the Legislature. But I caution you that such a philosophy is only possible if you approve the "total" budget and not a piecemeal version thereof.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:fw

SELECT FILE

LEGISLATIVE BILL 496A. The Schmit amendment found in this day's Journal was adopted with 29 ayes, 0 nays and 20 not voting.

Advanced to E & R for Re-engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 68, 68A, 86, 164, and 357.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bills: LB 68, LB 68A, LB 86, LB 164, and LB 357.

SELECT COMMITTEE REPORT
Committee on Committees

April 17, 1973

The Committee on Committees desires to report favorably upon the appointments listed below which were submitted by Governor J. James Exon. The Committee suggests that the appointments be confirmed by the Legislative Body and suggests a record vote:

Herbert G. Andrews – Motor Vehicle Industry Licensing Board

Committee Vote: For: (8) Senators Johnson, Luedtke, Snyder, Stahmer, Stromer, Stull, Whitney and Wiltse

Against: None

Absent and not voting: (5) Senators Barnett, Chambers, Duis, Epke and Nore

William E. Colwell – Board of Trustees of Nebraska State Colleges

Committee Vote: For: (8) Senators Johnson, Luedtke, Snyder, Stahmer, Stromer, Stull, Whitney and Wiltse

Against: None

Absent and not voting: (5) Senators Barnett, Chambers, Duis, Epke and Nore

Dr. Brendan J. McDonald – Educational Television Commission

Committee Vote: For: (8) Senators Johnson, Luedtke, Snyder, Stahmer, Stromer, Stull, Whitney and Wiltse

Against: None

Absent and not voting: (5) Senators Barnett, Chambers, Duis, Epke and Nore

Respectfully submitted,

(Signed) Ramey C. Whitney, Chairman
Committee on Committees

MOTION–Final Reading

Mr. Carpenter moved to take the bills on Final Reading as they appear on the worksheet. The motion lost with 14 ayes, 22 nays and 13 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 258. With Emergency.

A BILL FOR AN ACT to provide for the payment of the salaries of members of the Nebraska State Legislature, and payments to be made as provided by Chapter 68, article 6, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, for the period of July 1, 1973 to June 30, 1974; to appropriate the sum of two hundred forty-eight thousand nine hundred sixty-nine dollars therefor; and to declare and emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Clark	DeCamp	Dickinson
Duis	Epke	Fellman	Fowler	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Kremer	F. Lewis	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Moylan
Murphy	Proud	Rasmussen	Savage	Schmit
Simpson	Snyder	Stahmer	Stromer	Stull
Syas	Warner	Whitney	Wiltse	

Voting in the negative, 1:

Chambers

Not voting, 4:

Nore	Richendifer	Skarda	Waldron

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 406.

A BILL FOR AN ACT to amend section 8-302, Reissue Revised Statutes of Nebraska, 1943, relating to building and loan associations; to authorize debenture investments and investments in insurance companies insuring the accounts of building and loan associations; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 23:

Barnett	Carpenter	F. Carstens	DeCamp	Duis
Fellman	Goodrich	Hasebroock	Johnson	Keyes
Kime	F. Lewis	Luedtke	Maresh	Marvel
Moylan	Savage	Stahmer	Stromer	Stull
Syas	Warner	Wiltse		

Voting in the negative, 17:

Burbach	C. Carsten	Cavanaugh	Epke	Kelly
Kennedy	Kremer	R. Lewis	Mahoney	Marsh
Murphy	Proud	Rasmussen	Richendifer	Schmit
Simpson	Snyder			

Not voting, 9:

Anderson	Chambers	Clark	Dickinson	Fowler
Nore	Skarda	Waldron	Whitney	

Having failed to receive a constitutional majority voting in the affirmative, the bill failed of passage.

LEGISLATIVE BILL 413. With Emergency.

A BILL FOR AN ACT to amend section 79-1103, Revised Statutes Supplement, 1972, relating to schools; to provide for officers; to dispense with annual meetings for Class VI districts; to provide for elections and the filling of vacancies; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
Clark	DeCamp	Dickinson	Duis	Epke
Fellman	Fowler	Goodrich	Johnson	Kelly
Kennedy	Kime	Kremer	R. Lewis	Luedtke
Maresh	Marsh	Moylan	Murphy	Proud
Rasmussen	Richendifer	Savage	Schmit	Simpson
Snyder	Stahmer	Stromer	Stull	Syas
Warner	Whitney	Wiltse		

Voting in the negative, 0.

Not voting, 11:

F. Carstens	Cavanaugh	Chambers	Hasebroock	Keyes
F. Lewis	Mahoney	Marvel	Nore	Skarda
Waldron				

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 435. Bracketed at the request of Mr. Snyder.

LEGISLATIVE BILL 443.

A BILL FOR AN ACT to amend section 60-1402, Revised Statutes Supplement, 1972, relating to motor vehicles; to provide for a motorcycle dealer on the Nebraska Motor Vehicle Industry Licensing Board; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
Cavanaugh
Chambers
Clark
DeCamp
Dickinson
Duis
Epke
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 3:

F. Carstens
Nore
Skarda

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 480.

A BILL FOR AN ACT to amend sections 15-1007, 35-203.01, and 35-212, Reissue Revised Statutes of Nebraska, 1943, and section 16-336, Revised Statutes Supplement, 1972, relating to pensions; to eliminate restrictions on the return of contributions of future terminating firemen or policemen; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Anderson Barnett Burbach Carpenter Cavanaugh
Chambers Clark DeCamp Dickinson Duis
Epke Fellman Fowler Goodrich Hasebroock
Johnson Kelly Kennedy Keyes Kime
Kremer F. Lewis R. Lewis Luedtke Mahoney
Maresh Marsh Marvel Moylan Murphy
Proud Rasmussen Richendifer Savage Schmit
Simpson Snyder Stahmer Stromer Stull
Syas Waldron Warner Whitney Wiltse

Voting in the negative, 0.

Not voting, 4:

C. Carsten F. Carstens Nore Skarda

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 145.

A BILL FOR AN ACT to amend sections 72-257 and 72-258.01, Reissue Revised Statutes of Nebraska, 1943, relating to school lands; to make sales permissive rather than mandatory; to change provisions respecting contiguous tracts; to provide for priorities; to provide for variable length leases; to provide for plats and dedications; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Anderson Barnett Burbach Carpenter C. Carsten
Cavanaugh Chambers Clark Dickinson Duis
Fellman Fowler Goodrich Hasebroock Johnson
Kelly Kennedy Kime Kremer F. Lewis
R. Lewis Luedtke Mahoney Maresh Marsh
Marvel Moylan Murphy Rasmussen Richendifer
Savage Schmit Simpson Snyder Stahmer
Stromer Stull Syas Waldron Warner
Wiltse

Voting in the negative, 4:

DeCamp Keyes Proud Whitney

Not voting, 4:

F. Carstens Epke Nore Skarda

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 148.

A BILL FOR AN ACT to amend sections 79-403.02 and 79-603, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change the conditions for transferring territory to a Class I district; to provide for the dissolution of districts and the waiver thereof; to provide for certain expenses; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Anderson Barnett Burbach Carpenter C. Carsten
Cavanaugh Clark DeCamp Dickinson Duis
Fellman Fowler Goodrich Hasebroock Johnson
Kennedy Keyes Kime Kremer F. Lewis
R. Lewis Luedtke Mahoney Maresh Marsh
Marvel Moylan Murphy Proud Rasmussen
Richendifer Savage Schmit Simpson Snyder
Stahmer Stromer Stull Syas Warner
Whitney Wiltse

Voting in the negative, 0.

Not voting, 7:

F. Carstens Chambers Epke Kelly Nore
Skarda Waldron

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT—Change of Order

Mr. Carpenter asked unanimous consent to read LB 179 on Final Reading.

Mr. R. Lewis objected.

Mr. Schmit moved to read LB 179 on Final Reading. The motion prevailed with 26 ayes, 9 nays and 14 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 179. With Emergency.

A BILL FOR AN ACT to provide for the acquisition and acceptance of the properties belonging to Hiram Scott College, Scottsbluff, Nebraska by the Board of Regents of the University of Nebraska; to establish the purposes for such acquisition; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 25:

Carpenter Cavanaugh Chambers Clark DeCamp
Duis Fellman Fowler Keyes Kremer
F. Lewis Luedtke Mahoney Marsh Marvel
Moylan Proud Richendifer Savage Schmit
Stahmer Syas Waldron Warner Whitney

Voting in the negative, 21:

Anderson Barnett Burbach C. Carsten Dickinson
Epke Goodrich Hasebroock Johnson Kelly
Kennedy Kime R. Lewis Maresh Murphy
Rasmussen Simpson Snyder Stromer Stull
Wiltse

Not voting, 3:

F. Carstens Nore Skarda

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed with the emergency clause attached, the question is, "Shall the bill pass with the emergency clause stricken?' "

Voting in the affirmative, 25:

Carpenter Cavanaugh Chambers Clark DeCamp
Duis Fellman Fowler Keyes Kremer
F. Lewis Luedtke Mahoney Marsh Marvel

Moylan Proud Richendifer Savage Schmit
Stahmer Syas Waldron Warner Whitney

Voting in the negative, 21:

Anderson Barnett Burbach C. Carsten Dickinson
Epke Goodrich Hasebroock Johnson Kelly
Kennedy Kime R. Lewis Maresh Murphy
Rasmussen Simpson Snyder Stromer Stull
Wiltse

Not voting, 3:

F. Carstens Nore Skarda

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

LEGISLATIVE BILL 193. With Emergency.

A BILL FOR AN ACT to amend section 48-123, Reissue Revised Statutes of Nebraska, 1943, and sections 48-121, 48-122, and 48-124, Revised Statutes Supplement, 1972, relating to workmen's compensation; to increase benefits; to change beneficiary provisions and provide additional beneficiaries; to provide for recomputation of benefits; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Anderson Barnett Burbach Carpenter C. Carsten
Cavanaugh Chambers Clark DeCamp Dickinson
Duis Epke Fellman Fowler Goodrich
Hasebroock Kelly Keyes Kremer F. Lewis
Luedtke Mahoney Maresh Marsh Marvel
Moylan Rasmussen Richendifer Savage Schmit
Simpson Snyder Stahmer Stull Syas
Waldron Warner Wiltse

Voting in the negative, 2:

Kennedy Proud

Not voting, 9:

F. Carstens Johnson Kime R. Lewis Murphy
Nore Skarda Stromer Whitney

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 265.

A BILL FOR AN ACT to amend section 48-1118, Reissue Revised Statutes of Nebraska, 1943, and sections 48-1002 and 48-1102, Revised Statutes Supplement, 1972, relating to labor; to redefine terms; to change penalties; to change the time for filing charges and to provide a time for giving notice thereof; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 32:

Anderson Barnett Carpenter C. Carsten Cavanaugh
DeCamp Dickinson Fellman Fowler Goodrich
Hasebroock Johnson Kelly Keyes F. Lewis
Luedtke Mahoney Maresh Marsh Marvel
Moylan Rasmussen Richendifer Savage Schmit
Simpson Snyder Stahmer Stromer Syas
Warner Wiltse

Voting in the negative, 8:

Burbach Clark Epke Kremer R. Lewis
Murphy Proud Stull

Not voting, 9:

F. Carstens Chambers Duis Kennedy Kime
Nore Skarda Waldron Whitney

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 488. With Emergency.

A BILL FOR AN ACT to amend section 60-320, Revised Statutes Supplement, 1972, relating to motor vehicles; to provide additional uses for dealer plates; to delete an exception to the requirement of display of in transit decals; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
Cavanaugh	Clark	DeCamp	Dickinson	Duis
Epke	Fellman	Fowler	Goodrich	Hasebroock
Johnson	Kelly	Keyes	Kime	Kremer
F. Lewis	R. Lewis	Luedtke	Mahoney	Maresh
Marsh	Moylan	Murphy	Proud	Rasmussen
Richendifer	Savage	Schmit	Simpson	Snyder
Stahmer	Stromer	Stull	Waldron	Warner
Wiltse				

Voting in the negative, 0.

Not voting, 8:

F. Carstens	Chambers	Kennedy	Marvel	Nore
Skarda	Syas	Whitney		

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SELECT FILE

LEGISLATIVE BILL 226. E & R amendments found in the Journal on page 1266 for the Sixty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 477. E & R amendment found in the Journal on page 1266 for the Sixty-eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 121. E & R amendments found in the Journal on page 1266 for the Sixty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 515. E & R amendments found in the Journal on page 1266 for the Sixty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 349. E & R amendments found in the Journal on page 1267 for the Sixty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 399. E & R amendment found in the Journal on page 1269 for the Sixty-eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 372. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 345. E & R amendments found in the Journal on page 1269 for the Sixty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 509. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 522. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 225. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 338. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 321. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 321A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 333. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 368. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 506. E & R amendment found in the Journal on page 1270 for the Sixty-eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 506A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 572. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 297. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 540. E & R amendment found in the Journal on page 1286 for the Sixty-eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 343. E & R amendments found in the Journal on page 1286 for the Sixty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 497. E & R amendments found in the Journal on page 1286 for the Sixty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 494. E & R amendments found in the Journal on page 1287 for the Sixty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 510. E & R amendment found in the Journal on page 1289 for the Sixty-eighth Day was adopted.

Laid over.

LEGISLATIVE BILL 474. E & R amendments found in the Journal on page 1289 for the Sixty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 493. E & R amendments found in the Journal on page 1290 for the Sixty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 544. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 75. E & R amendments found in the Journal on page 1290 for the Sixty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 422. E & R amendments found in the Journal on page 1291 for the Sixty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 340. E & R amendments found in the Journal on page 1291 for the Sixty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 370. E & R amendments found in the Journal on page 1291 for the Sixty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 294. E & R amendment found in the Journal on page 1291 for the Sixty-eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 320. E & R amendments found in the Journal on page 1292 for the Sixty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 481. E & R amendments found in the Journal on page 1292 for the Sixty-eighth Day were adopted.

Laid over at the request of Mr. Kelly.

LEGISLATIVE BILL 487. E & R amendments found in the Journal on page 1292 for the Sixty-eighth Day were adopted.

Advanced to E & R for Engrossment with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 510. Mr. Carpenter offered the following amendment, which was adopted with 29 ayes, 0 nays and 20 not voting:

1. Strike sections 1 and 2 and insert:

"Section 1. All unexpended balances of the appropriations made by Laws 1972, Legislative Bills 1433 and 1516, existing on June 30, 1973, are hereby reappropriated for the purposes for which originally appropriated.

Sec. 2. (1) All money in the University of Nebraska at Lincoln Field House Fund is hereby appropriated for the fiscal year ending June 30, 1974, for the purposes stated in the first subdivision of section 77-2602, Revised Statutes Supplement, 1972.

(2) All money in the State Board of Agriculture Improvement Fund is hereby appropriated for the fiscal year ending June 30, 1974, for the purposes stated in the

second subdivision of section 77-2602, Revised Statutes Supplement, 1972.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. In the title, strike lines 2 to 6 and insert:
"FOR AN ACT to make reappropriations and reappropriations as prescribed; and to declare an emergency.".

Advanced to E & R for Engrossment.

VISITORS

President Marsh introduced 60 youth members from the Greater Omaha Association for Retarded Children, Omaha, 12 adults and Miss Judy Pierce, sponsor.

President Marsh introduced 9 FHA girls from Elkhorn Valley, Tilden and teacher Barbara Nelson.

ADJOURNMENT

At 4:14 p.m., on a motion by Mr. Richendifer, the Legislature adjourned until 9:00 a.m., Wednesday, April 18, 1973.

Vincent D. Brown
Clerk of the Legislature

SEVENTIETH DAY—APRIL 18, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

SEVENTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 18, 1973

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Marsh presiding.

PRAYER

The prayer was offered by the Chaplain.

> O Lord our God: By now it seems so very familiar to us all–the dash back to the Statehouse for the tasks of another day; the rap of the Speaker's gavel; the prayer of the Chaplain; the pile of unopened letters on our desks from those who see so clearly what we should be doing here; the guests in the gallery who are trying to see what we are doing here; the reporters who will tell the folks back home what they believe we have been doing here; and beyond all these, the things which we have convinced ourselves that we are in fact doing here; by now it seems so very familiar to us all–we've been down this road so many times before.
>
> But the more familiar the way, the more treacherous the detours. Keep us on course, we pray!
>
> Save us from the sin of over–familiarity with public trust.
>
> May our accomplishment for Nebraska be so significant that even we, when we describe it, may not be guilty of bragging—not when we accept our checks, guilty of sponging. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Cavanaugh and F. Lewis who were excused; Mr. Stahmer who was absent until 9:45 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixty-ninth Day was approved.

UNANIMOUS CONSENT–Member Excused

Mr. Savage asked unanimous consent to be excused at 11:00 a.m. for the remainder of the day. No objections. So ordered.

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on April 18, 1973 at 8:50 a.m.: LB 68, LB 68A, LB 86, LB 164 and LB 357.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 258, 413, 443, 480, 145, 148, 193, 265 and 488.

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bills: 258, 413, 443, 480, 145, 148, 193, 265 and 488.

RESOLUTIONS

LEGISLATIVE RESOLUTION 36.

Introduced by Burbach, 19th District; Stull, 49th District; Carpenter, 48th District.

WHEREAS, the change in regulations under which feed grain producers signed up for participation in the Federal Feed Grain program was announced by the United States Department of Agriculture and the Agricultural and Stabilization Service after the dead line for change in choice of options by producers had expired; and

WHEREAS, feed grain producers who would have chosen a different option had they known that the acreage set aside requirements for participation in the higher payment (A) option would be reduced by 15% will suffer heavy financial loss because they were not aware that such a change of regulations was contemplated; and

WHEREAS, the aforementioned change in regulations represented a violation by the United States Department of Agriculture and the Agricultural and Stabilization Service of the pre sign up understanding and agreement with producers; and

WHEREAS, legislative proposals having broad bi-partisan support have been introduced in the Congress in order to remedy the inequities and financial loss to feed grain producers brought about by the aforementioned change in regulations and to provide for a re-opening of the sign up period for participation in the Feed Grain Program;

NOW THEREFORE BE IT RESOLVED by this first session of the 83rd Nebraska Legislature that the Secretary of the United States Department of Agriculture and the Agricultural and Conservation Service be petitioned to immediately reopen the Federal Feed Grain Program for sign up by producers under the regulations change announced after the sign up under the first period had expired.

Mr. Duis moved to suspend the Rules to consider LR 36 at this time. The motion prevailed with 31 ayes, 0 nays and 18 not voting.

LR 36 was adopted with 43 ayes, 0 nays and 6 not voting.

LEGISLATIVE RESOLUTION 37.

Introduced by F. Carstens, 30th District.

WHEREAS, the Legislature in 1967 passed Legislative Bill 893 providing for the identification and regulation of flood plains, which act has since been amended from time to time; and

WHEREAS, major problems have arisen in connection with the identification and management of flood plains.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Committee on Public Works be directed to make an interim study to determine if new legislation is needed to remove present deficiencies in the present flood plain legislation and determine what is necessary to make present law more effective and to report its findings and recommendations to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 38.

Introduced by Proud, 12th District; Anderson, 37th District; Barnett, 26th District; Burbach, 19th District; Carpenter, 48th District; C. Carsten, 2nd District; F. Carstens, 30th District; Cavanaugh, 9th District; Chambers, 11th District; Clark, 47th District; DeCamp, 40th District; Dickinson, 31st District; Duis, 39th District; Epke, 24th District; Fellman, 4th District; Fowler, 27th District; Goodrich, 20th District; Hasebroock, 18th District; Johnson, 15th District; Kelly, 35th District; Kennedy, 21st District; Keyes, 3rd District; Kime, 43rd District; Kremer, 34th District; F. Lewis, 45th District; R. Lewis, 38th District; Luedtke, 28th District; Mahoney, 5th District; Maresh, 32nd District; Marsh, 29th District; Marvel, 33rd District; Moylan, 6th District; Murphy, 17th District; Nore, 22nd District; Rasmussen, 41st District; Richendifer, 16th District; Savage, 10th District; Schmit, 23rd District; Simpson, 46th District; Skarda, 7th District; Snyder, 14th District; Stahmer, 8th District; Stromer, 36th District; Stull, 49th District; Syas, 13th District; Waldron, 42nd District; Warner, 25th District; Whitney, 44th District; Wiltse, 1st District.

WHEREAS, Helen S. Griess started to work for the Legislative Council on November 6, 1943. She was an assistant researcher for Dr. Roger Shumate and Librarian for one year; and

WHEREAS, she edited the 1954 Blue Book and from then on has done each one by herself except for proofing help; and

WHEREAS, Helen S. Griess will retire in June 1974 and her services to the Legislative Council and to the State of Nebraska will be greatly missed.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE, FIRST SESSION:

1. That the Legislature expresses its appreciation of the years of service to the Legislative Council and to the State of Nebraska performed by Helen S. Griess and that when she retires in June 1974, that her timely efforts on the publication of the Blue Book will be long remembered.
2. That a copy of this resolution suitably engrossed be sent to Helen S. Griess by the Clerk of the Legislature.

Speaker Proud asked unanimous consent to have LR 38 framed and delivered to Miss Griess. No objections. So ordered.

LEGISLATIVE RESOLUTION 39.

Introduced by Carpenter, 48th District.

WHEREAS there is a necessity for a uniform plan for road and street development in Nebraska, and;

WHEREAS there has been established a road program wherein gas tax money is distributed among the state, county and cities to improve the roads and streets, and;

WHEREAS there appears to be some disagreement concerning the responsibility of building and maintaining roads and streets in unincorporated areas as well as Sanitary Improvement Districts, and;

WHEREAS there appears to be some disagreement concerning the standards to be met for roads and streets in unincorporated areas as well as in Sanitary Improvement Districts,

NOW THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION; that there be an interim study under the Public Works Committee to determine the course to follow in establishing the responsibility for roads and streets in unincorporated areas as well as in Sanitary Improvement Districts and the method of funding.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 40.

Introduced by Kremer, 34th District.

WHEREAS, the water and land resources of the State of Nebraska are important resources to the citizens of the State; and

WHEREAS, there is need for a more aggressive program of water and land resources development in the State; and

WHEREAS, proper development and utilization of those resources is necessary to preserve and enhance a good life in the State; and

WHEREAS, the 82nd Nebraska Legislature, 2nd Session, recognized that proper development and utilization and conjunctive use of underground and surface water should be expanded; and

WHEREAS, the 83rd Nebraska Legislature, 1st Session, recognizes that this expansion will require some improvement of Nebraska's statutory framework; and

WHEREAS, government in Nebraska is also presently often unable financially to provide for proper and optimum development of our water and land resources; and

WHEREAS, the benefits to be derived from such optimum development often extend beyond the boundaries of such local entities to the total citizenry of the State of Nebraska; and

WHEREAS, the Nebraska Natural Resources Commission recommended in its Publication Number 404 to the Nebraska State Water Plan that a thorough study of the practicability of a state water development fund be conducted by an appropriate legislative body.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Public Works Committee of the Eighty-Third Legislature of the State of Nebraska be directed to:

a. Conduct a study of Nebraska's water laws and the water laws of other states utilizing a conjunctive use doctrine and other related concepts, including but not limited to, transbasin diversion of surface water.

b. Examine and evaluate the types of land and water development projects appropriate for state funding and the type of funding appropriate therefor.

c. Meet through 1973 or until its objectives are attained.

d. Utilize such consultants and other groups, persons or agencies as are deemed necessary in performing this task.

e. Make recommendations and prepare legislation for improving this State's underground water development and utilization for the establishment of a development fund to allow for state participation in land and water development activities for introduction during the next session of the Legislature.

2. That the Executive Board of the Legislative Council be directed to see that such studies are carried out by the Public Works Committee so that such recommendations and legislation are prepared.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 41.

Introduced by R. Lewis, 38th District.

WHEREAS, there are numerous complex issues pertaining to the regulation of natural gas utilities and the electrical industry both on the wholesale and retail level, and

WHEREAS, there is a need to develop a state policy to effectively cope with the impending energy crisis, and

WHEREAS, a review and study of the state jurisdictional bodies with responsibility to these utilities appears timely, and

WHEREAS, coordination guidelines with other states on an individual, regional and/or national basis are necessary.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE 83rd LEGISLATURE OF NEBRASKA, FIRST SESSION:

1) That the legislature of the State of Nebraska establish an interim study committee to study the following specific matters:

> a. Consideration of the need for regulation of intra-state operation of natural gas utilities to include domestic, commercial, industrial and agricultural uses.
>
> b. Consideration of the need for regulation of the electric industry at the whole sale and retail levels to include a review of the functions of the Nebraska Power Review Board and the Public Service Commission to determine if meaningful consolidation of duties and responsibilities could be accomplished.
>
> c. Review of the responsibilities of the State Fire Marshal's office with jurisdiction over pipelines to consider possibilities of consolidation of those responsibilities with another regulatory body.
>
> d. Consideration of development of state policy on land use purposes for power plant siting, electric line and gas pipeline location to meet reasonable environmental requirements and enhance timely construction and installation schedules necessary to provide adequate supply of electricity and natural gas.
>
> e. Consideration of the development of state policy to most effectively cope with the impending energy crisis in the field of all fuels; such policy to include guidelines for coordination with other states on an individual, regional and/or national basis dependent upon the most desirable approach.

2) That the help of the Nebraska Power Review Board, the Public Service Commission and other sources be solicited and utilized by the committee as it shall deem appropriate.

3) That the committee make its report to the next session of the legislature with its recommendations.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 34. Mr. Barnett moved to suspend the rules to consider LR 34 at this time. The motion prevailed with 31 ayes, 0 nays and 18 not voting.

LR 34 was adopted with 31 ayes, 0 nays and 18 not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on April 18, 1973 at 9:40 a.m. were the following: LB 258, LB 413, LB 443, LB 480, LB 145, LB 148, LB 193, LB 265 and LB 488.

(Signed) Barbara Jackson, Enrolling Clerk

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 576. By Whitney, 44th District at the Request of the Governor.

A BILL FOR AN ACT for submission to the electors of an amendment to Article VIII, section 4, of the Constitution of Nebraska, relating to revenue; to authorize payments or refunds of portions thereof to be made by the state to owner-operators of agricultural lands and owners of homesteads and tenants occupying residential property of real or personal property taxes paid by such individuals or corporations to any political subdivision of the state; to provide for the submission of the proposed amendment to the electors at the general election in November, 1974; to provide for the manner of submission and form of ballot; and to provide the effective date thereof.

REFERENCE COMMITTEE REPORT

LB	Committee
576	Constitutional Revision and Recreation

(Signed) Terry Carpenter, Chairman

UNANIMOUS CONSENT—Change of Order

Mr. Whitney asked unanimous consent to take up LB 311 on General File at this time.

Mr. C. Carsten objected.

Mr. Whitney moved to take up LB 311 on General File at this time. The motion prevailed with 29 ayes, 5 nays and 15 not voting.

GENERAL FILE

LEGISLATIVE BILL 311. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

Mr. Whitney asked unanimous consent to expedite LB 311. No objections. So ordered.

Mr. Carpenter asked unanimous consent to bracket LB 311 when it reaches Select File. No objections. So ordered.

LEGISLATIVE BILL 311A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 7 nays and 17 not voting.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 179.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed LB 179.

ANNOUNCEMENT

President Marsh announced the funeral of Mr. Carl Christensen, former Bill Room Employee, is this afternoon at 1:30 p.m.

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on LB 179 on Final Reading.

(Signed) William Skarda

MOTION—Fiscal Impact Bills

Mr. Warner moved that the words "fiscal impact" contained in the Stull motion on page 1295 of the Journal and the Stahmer motion found on page 1297 shall mean beyond June 30, 1974.

Laid over.

MOTION—Final Reading

Mr. Chambers moved the bills on Final Reading be read in the order they come up on the worksheet.

Mr. Carpenter moved the previous question. The question is, "Shall the debate now cease?" The motion prevailed with 33 ayes, 4 nays and 12 not voting.

The Chambers motion lost with 9 ayes, 25 nays and 15 not voting.

SPEAKER PROUD PRESIDING

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 22.

A BILL FOR AN ACT to amend sections 3-503, 3-504, 3-612, 3-613, 3-706, and 3-707, Reissue Revised Statutes of Nebraska, 1943, relating to airport authority powers; to provide certain limitations; and to repeal the original sections.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Anderson
Cavanaugh
Barnett
Chambers
Carpenter
Clark
C. Carsten
DeCamp
F. Carstens
Dickinson

Duis Fellman Goodrich Hasebroock Johnson
Kelly Keyes Kime Kremer F. Lewis
R. Lewis Luedtke Mahoney Marsh Marvel
Moylan Murphy Nore Proud Rasmussen
Richendifer Savage Schmit Simpson Skarda
Snyder Stull Syas Waldron Warner
Wiltse

Voting in the negative, 0.

Not voting, 8:

Burbach Epke Fowler Kennedy Maresh
Stahmer Stromer Whitney

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 73.

A BILL FOR AN ACT to adopt the Land Reutilization Act.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Anderson Barnett Burbach C. Carsten F. Carstens
Cavanaugh Chambers Clark DeCamp Dickinson
Duis Epke Fellman Fowler Goodrich
Hasebroock Johnson Kelly Keyes Kime
Kremer F. Lewis R. Lewis Luedtke Mahoney
Maresh Marsh Moylan Murphy Nore
Rasmussen Richendifer Savage Schmit Simpson
Skarda Snyder Stahmer Stromer Stull
Syas Waldron Warner Whitney Wiltse

Voting in the negative, 0.

Not voting, 4:

Carpenter Kennedy Marvel Proud

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 290. With Emergency.

A BILL FOR AN ACT to amend section 39-727, Revised Statutes Supplement, 1972, relating to highways; to provide additional penalties for certain offenses; to provide for probation as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Clark	DeCamp	Dickinson	Duis
Epke	Fellman	Goodrich	Hasebroock	Johnson
Kelly	Keyes	Kime	Kremer	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Moylan
Nore	Proud	Rasmussen	Richendifer	Simpson
Skarda	Stahmer	Stromer	Stull	Syas
Warner	Whitney	Wiltse		

Voting in the negative, 3:

Cavanaugh	Schmit	Waldron

Not voting, 8:

Chambers	Fowler	Kennedy	F. Lewis	Marvel
Murphy	Savage	Snyder		

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 319. With Emergency.

A BILL FOR AN ACT to amend section 60-412, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicles; to change the fee for a certified abstract of an operating record; to provide for the disposition and use of fees; to repeal the original section; and to declare an emergency.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
Clark
DeCamp
Dickinson
Duis
Epke
Fellman
Fowler
Goodrich
Hasebroock
Kelly
Keyes
Kime
Kremer
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Nore
Proud
Rasmussen
Richendifer
Schmit
Simpson
Skarda
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 5:

Johnson
Kennedy
F. Lewis
Savage
Snyder

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 319A. With Emergency.

A BILL FOR AN ACT to make an appropriation to aid in carrying out the provisions of Legislative Bill 319, Eighty-third Legislature, First Session, 1973; and to declare an emergency.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
DeCamp
Dickinson
Duis
Epke
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Keyes
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Nore
Proud
Rasmussen
Richendifer
Schmit
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 4:

Clark
Kennedy
Kime
Savage

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 332.

A BILL FOR AN ACT relating to motor vheicles; to define terms; to provide for the registration and transfer of historic or special interest vehicles as prescribed; and to repeal section 60-311.08, Revised Statutes Supplement, 1972.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Clark
DeCamp
Dickinson
Epke
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Kremer
R. Lewis
Luedtke
Maresh
Marsh
Marvel
Moylan
Nore
Proud
Rasmussen
Richendifer
Schmit
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Wiltse

Voting in the negative, 0.

Not voting, 8:

Cavanaugh
Chambers
Duis
F. Lewis
Mahoney
Murphy
Savage
Whitney

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 402. Mr. Anderson moved to return LB 402 to Select File for the following specific amendment:

On page 5, line 10 strike "and" insert after "V" "and VI."

The motion prevailed with 32 ayes, 1 nay and 16 not voting.

SELECT FILE

LEGISLATIVE BILL 402. The Anderson specific amendment found in this day's Journal was adopted with 29 ayes, 1 nay and 19 not voting.

Advanced to E & R for Re-engrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 408. With Emergency.

A BILL FOR AN ACT to amend section 79-803.05, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide for election of treasurers of certain Class III school districts as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
Cavanaugh	Chambers	Clark	DeCamp	Dickinson
Duis	Epke	Fellman	Fowler	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kremer	Luedtke	Mahoney	Maresh	Marsh
Moylan	Nore	Proud	Rasmussen	Schmit
Simpson	Skarda	Snyder	Stromer	Stull
Waldron	Warner	Whitney	Wiltse	

Voting in the negative, 0.

Not voting, 10:

F. Carstens	Kime	F. Lewis	R. Lewis	Marvel
Murphy	Richendifer	Savage	Stahmer	Syas

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT MARSH PRESIDING

LEGISLATIVE BILL 415.

A BILL FOR AN ACT to amend section 60-301, Revised Statutes Supplement, 1972, as amended by section 1, Legislative Bill 384, Eighty-third Legislature, First Session, 1973, relating to motor vehicles; to change a definition; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Clark
DeCamp
Dickinson
Duis
Epke
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kremer
F. Lewis
Luedtke
Mahoney
Maresh
Marsh
Moylan
Murphy
Nore
Proud
Rasmussen
Schmit
Simpson
Skarda
Snyder
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 7:

Chambers
Kime
R. Lewis
Marvel
Richendifer
Savage
Stahmer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 455. With Emergency.

A BILL FOR AN ACT to amend section 45-335, Revised Statutes Supplement, 1972, relating to installment sales; to extend the time for which an installment sale may be made; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having bee complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
Clark
DeCamp
Duis
Epke
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Nore
Proud
Rasmussen
Richendifer
Schmit
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Wiltse

Voting in the negative, 4:

Dickinson
Kremer
Simpson
Warner

Not voting, 5:

F. Lewis R. Lewis Savage Skarda Whitney

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 482.

A BILL FOR AN ACT to amend section 71-2301, Reissue Revised Statutes of Nebraska, 1943, relating to public health; to remove the limitation on the salary of the director at the Scottsbluff laboratory; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Anderson Barnett Burbach Carpenter C. Carsten
F. Carstens Chambers DeCamp Dickinson Duis
Epke Fellman Fowler Goodrich Hasebroock
Johnson Kelly Kennedy Keyes Kime
Kremer R. Lewis Luedtke Mahoney Maresh
Marsh Moylan Murphy Proud Rasmussen
Richendifer Schmit Simpson Skarda Snyder
Stahmer Stromer Stull Syas Waldron
Warner Whitney Wiltse

Voting in the negative, 2:

Cavanaugh Nore

Not voting, 4:

Clark F. Lewis Marvel Savage

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 492.

A BILL FOR AN ACT to amend section 84-1307, Reissue Revised Statutes of Nebraska, 1943, relating to the State Employees Retirement System; to restrict membership in the system as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Anderson
Barnett
Burbach
C. Carsten
Cavanaugh
Clark
DeCamp
Dickinson
Duis
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Moylan
Murphy
Nore
Proud
Rasmussen
Richendifer
Schmit
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 8:

Carpenter
F. Carstens
Chambers
Epke
Kremer
F. Lewis
Marvel
Savage

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 498.

A BILL FOR AN ACT to amend sections 84-1301, 84-1305, 84-1311, 84-1317, 84-1319, 84-1321, and 84-1323, Reissue Revised Statutes of Nebraska, 1943, and section 84-1503, Reissue Revised Statutes of Nebraska, 1943, as amended by section 3, Legislative Bill 216, Eighty-third Legislature, First Session, 1973, relating to the State Employees Retirement System; to define terms; to provide duties of the board; to provide for disability retirement; to provide for changes in future service retirement benefits; to provide for changes for termination of employment before retirement; to provide for lump sum payments; to provide for expenses of administering the system; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
Cavanaugh
Chambers
DeCamp
Dickinson
Duis

Epke
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Kremer
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Nore
Proud
Rasmussen
Richendifer
Schmit
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 4:

F. Carstens
Clark
F. Lewis
Savage

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 501.

A BILL FOR AN ACT to amend sections 29-2203 and 83-323, Reissue Revised Statutes of Nebraska, 1943, relating to defense of insanity; to provide the procedure when the defense of insanity is pleaded as prescribed; to prescribe duties; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Anderson
Burbach
Carpenter
C. Carsten
Cavanaugh
DeCamp
Dickinson
Epke
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Kremer
Luedtke
Maresh
Marsh
Moylan
Murphy
Nore
Proud
Richendifer
Schmit
Simpson
Snyder
Stahmer
Stull
Syas
Warner
Whitney
Wiltse

Voting in the negative, 7:

Barnett
Chambers
Fellman
Mahoney
Rasmussen
Skarda
Waldron

Not voting, 8:

F. Carstens
Clark
Duis
F. Lewis
R. Lewis
Marvel
Savage
Stromer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 546.

A BILL FOR AN ACT to amend section 1, Legislative Bill 173, Eighty-third Legislature, First Session, 1973, relating to public health; to change the time when certain immunizations shall be required; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Anderson Barnett Burbach Carpenter C. Carsten
Cavanaugh DeCamp Dickinson Duis Epke
Fellman Fowler Goodrich Hasebroock Johnson
Kelly Kennedy Keyes Kime Kremer
R. Lewis Luedtke Mahoney Maresh Marsh
Marvel Moylan Murphy Nore Proud
Rasmussen Richendifer Schmit Simpson Skarda
Snyder Stahmer Stromer Stull Syas
Waldron Warner Whitney

Voting in the negative, 1:

Chambers

Not voting, 5:

F. Carstens Clark F. Lewis Savage Wiltse

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION—Suspend Rules

Mr. Carpenter moved to suspend the rules to read the final reading bills this afternoon set for tomorrow, with the exception of LB 268. The motion prevailed with 33 ayes, 0 nays and 16 not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on April 18, 1973, at 10:30 a.m.: LB 179.

(Signed) Barbara Jackson, Enrolling Clerk

RESOLUTIONS

LEGISLATIVE RESOLUTION 42.

Introduced by Committee on Agriculture and Environment, Schmit, Chairman, 23rd District; Kime, 43rd District; Rasmussen, 41st District; DeCamp, 40th District; Kennedy, 21st District; Dickinson, 31st District; C. Carsten, 2nd District; Epke, 24th District, Maresh, 32nd District.

WHEREAS, national land-use legislation has been considered by the United States Congress for three consecutive years; and

WHEREAS, there appears to be a concerted effort to enact national land use legislation this year; and

WHEREAS, such legislation does require states to exercise states rights and state responsibility over those land-use planning and policy decisions which are of local concern; and

WHEREAS, although such legislation does require that state governments develop a process of planning, it does endorse the concept that local land-use decisions should be made by local governments and does provide the states with wide latitude in determining methods of implementation.

NOW, THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

That, the Agriculture and Environment Committee of the Eighty-Third Legislature, First Session, 1973, of the State of Nebraska is hereby directed to:

1. Study and evaluate all pending federal land-use legislation.
2. Conduct such hearings or other public meetings as it feels are necessary to derive from local entities of government and individual citizens recommendations concerning the course of action the state should pursue regarding the preparation and implementation of land-use plans.
3. Report to the Second Session of the Eighty-Third Legislature the result of its findings and make such recommendations as it deems appropriate.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 43.

Introduced by the Committee on Urban Affairs, Snyder, Chairman, 14th District.

WHEREAS, there is now need to extend the jurisdiction of Metropolitan Transportation Authorities into counties and regions beyond the metropolitan areas; and

WHEREAS, negotiations for the restoration for passenger service on the railroads requires the establishment of a transportation authority at the local or regional level; and

WHEREAS, Legislative Bill 467 of the 83rd session of the Nebraska Legislature sets forth the objectives and responsibilities to the public in negotiating with appropriate federal agencies to restore passenger service within the State of Nebraska; and

WHEREAS, there is need to provide for adoption of the Inter-Urban Rapid Rail Transportation Authorities Act; and

WHEREAS, interest in the possibility of additional transportation facilities which will link Omaha with Lincoln have been received from many interests including the Governor of the State of Nebraska, the Omaha Mayor, University of Nebraska Board of Regents, Nebraska State Public Utilities Commission, Knights of Ak-sar-ben, Omaha-Council Bluffs Metropolitan Area Planning Agency, the Nebraska State Fair Board, the Lincoln-Lancaster County Health Department, and others.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

That the Urban Affairs Committee of the Legislature recommends to the Executive Board that the issue be more thoroughly explored and reported through an Urban Affairs Interim Study Committee.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 44.

Introduced by Speaker Proud, 12th District.

WHEREAS, there may be inequalities in the marriage and divorce laws of Nebraska; and

WHEREAS, some parents leave their children and do not furnish support of their children.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE, FIRST SESSION:

That the Executive Board of the Legislative Council appoint a committee to study the marriage and divorce laws of this state relating to any inequalities in such laws of this state and especially where parents leave their children and make no provisions for the support of their children, and to report its findings and recommendations to the Eighty-third Legislature, Second Session, 1974.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 45.

Introduced by Snyder, 14th District.

WHEREAS, contracts for future supplies of gasoline and diesel fuel are not being renewed in the Omaha area; and

WHEREAS, the State Republican Central Committee has passed a resolution urging the easing of pollution controls and the establishment of a priority system for the use of petroleum products until energy shortages end; and

WHEREAS, representatives of government, specifically George A. Lincoln, Director of the Office of Emergency Preparedness, have labeled this as the "energy-deficit era" and that our society, our very way of life, its quality and its goals, are dependent on how we meet this challenge; and

WHEREAS, "the Utilities Section of the League of Nebraska Municipalities has passed a resolution requesting assistance from the federal and state government to assure an adequate supply of fuel to operate the electric generating plants so as to avoid disastrous consequences to the health and welfare of their various communities,"

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That an interim study be undertaken by the Urban Affairs Committee of the fuel crisis.
2. That such study provide possible sources of various types of fuel in the event of emergencies affecting the health and welfare of the state.

Referred to the Executive Board.

VISITORS

President Marsh introduced 30 members of the International Womens Group from all over the world.

President Marsh introduced 22 Junior High students from Benedict Public School, Benedict, 2 adults and teacher Mary G. Salchow.

President Marsh introduced 47 Kindergarten through 3rd Grade students from St. Patrick's School, Lincoln and teachers Mrs. Bahm, Mrs. Buitfelter and Mrs. McDaniel.

President Marsh introduced 22 Senior Government students from Crete Public Schools, Crete and teacher Mr. Van Dyke.

President Marsh introduced 23 Seniors from Chester-Hubbell School, Chester and teacher Reuben Schleifer.

President Marsh introduced 39 grade school students from Percival Elementary School, Percival, Iowa and seven teachers.

President Marsh introduced 32 grade school students from Odessa No. 12 School, Odessa and teachers Messrs. Styskal, Keenenan and Merryman.

President Marsh introduced 60 members of the Mobilization for Concerned Citizens from Lincoln and Lancaster County with sponsors Sandie Springer and Ruth Egner.

President Marsh introduced 12 4th grade students from Davenport Community School, Davenport and teacher Virginia Freeman.

RECESS

At 11:54 a.m., on a motion by Mr. Wiltse, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:04 p.m., Speaker Proud presiding.

The roll was called and all members were present except Mr. Savage who was excused; Mrs. Marsh who was excused until she arrives and Mr. Chambers who was absent.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 343 and 477; The following bill was correctly re-engrossed: 496A.

Correctly Enrolled

The following bills were correctly enrolled: 22, 73, 290, 319, 319A, 332, 408, 415, 455, 482, 492, 498, 501 and 546.

(Signed) John J. Cavanaugh, Chairman

SPEAKER SIGNS

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LB 22, LB 73, LB 290, LB 319, LB 319A, LB 332, LB 408, LB 415, LB 455, LB 482, LB 492, LB 498, LB 501 and LB 546.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 515. Replaced on Select File as amended.

E & R amendments to LB 515:

1. On page 5, line 19, insert an underscored comma after "(4)".

2. On page 26, line 16, strike "71-1,137,08" and insert "71-1,147.08".

LEGISLATIVE BILL 402. Replaced on Select File as amended.
E & R amendment to LB 402:

1. In lieu of the Anderson amendment, in standing committee amendment 2, line 7, strike the second "or" and insert ", or VI" after "V"; and in E & R 4, line 2, strike "and" and insert ", and VI" after "V".

LEGISLATIVE BILL 311. Placed on Select File as amended.
E.& R amendments to LB 311:

1. On page 2, line 27, and page 3, line 1, strike "of the office of mental retardation" and show stricken.

2. In the Whitney amendments, page 1, line 17, strike "of the office of mental retardation"; in line 18 insert an underscored comma after "programs"; and in line 22, strike "value of" and insert "valuation of all taxable".

3. On page 4, line 1, strike "are" and insert "shall be"; and in line 2, strike "will".

4. In the Whitney amendments, page 2, line 17, insert an underscored comma after "act"; and in line 21, strike the period and insert "; and".

5. In the Whitney amendments, page 3, line 12, insert "of mental retardation" after "office"; and in lines 19 and 23, strike the period and insert an underscored semicolon.

6. In the Whitney amendments, page 4, line 6, strike the period and insert an underscored semicolon; and in line 9, strike the period and insert "; and".

7. In the title, strike lines 4 to 6 and insert "relating to the office of mental retardation; to clarify provisions; to change funding provisions; to provide for agreements; to define terms; to provide for programs, services, and mental retardation regions; to provide severability; to repeal the"; and in line 7, insert ", and also section 83-1,145, Reissue Revised Statutes of Nebraska, 1943" after "sections".

LEGISLATIVE BILL 311A. Placed on Select File.

(Signed) John J. Cavanaugh, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 36.

A BILL FOR AN ACT relating to school lands; to provide for dedicating established roads through lands under the jurisdiction of the Board of Educational Lands and Funds as prescribed; and to provide for payment therefor.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Anderson
Barnett
Burbach
Carpenter
F. Carstens
Cavanaugh
Clark
DeCamp
Dickinson
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Kremer
R. Lewis
Luedtke
Mahoney
Maresh
Moylan
Murphy
Nore
Proud
Rasmussen
Schmit
Simpson
Skarda
Snyder
Stromer
Stull
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 1:

C. Carsten

Not voting, 14:

Chambers
Duis
Epke
Fellman
Fowler
Keyes
Kime
F. Lewis
Marsh
Marvel
Richendifer
Savage
Stahmer
Syas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 180. Bracketed at the request of Mr. Barnett.

LEGISLATIVE BILL 207.

A BILL FOR AN ACT relating to abuse of minor children and incompetent or disabled persons; to define terms; to provide for reporting and servicing abuse cases; to provide for a central registry and establish legal immunity; and to provide a penalty.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Anderson Barnett Burbach Carpenter C. Carsten
F. Carstens Cavanaugh Clark DeCamp Dickinson
Duis Epke Fellman Fowler Goodrich
Hasebroock Johnson Keyes Kremer F. Lewis
R. Lewis Luedtke Mahoney Maresh Moylan
Proud Rasmussen Richendifer Schmit Simpson
Skarda Snyder Stahmer Stromer Stull
Syas Waldron Warner Whitney Wiltse

Voting in the negative, 1:

Nore

Not voting, 8:

Chambers Kelly Kennedy Kime Marsh
Marvel Murphy Savage

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 257. With Emergency.

A BILL FOR AN ACT to provide for the payment of the salaries of the officers of the Nebraska state government and payments to be made as provided by Chapter 68, article 6, Reissue Revised Statutes of Nebraska, 1943, for the year ending June 30, 1974; to provide for the payment thereof; and to declare an emergency.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Anderson Barnett Carpenter C. Carsten F. Carstens
Cavanaugh Clark DeCamp Dickinson Duis
Fellman Fowler Goodrich Hasebroock Johnson
Kelly Kennedy Kime Kremer F. Lewis
Luedtke Mahoney Maresh Marvel Moylan
Nore Proud Rasmussen Richendifer Schmit

Simpson Snyder Stahmer Stromer Stull
Syas Waldron Warner Whitney Wiltse

Voting in the negative, 0.

Not voting, 9:

Burbach Chambers Epke Kime R. Lewis
Marsh Murphy Savage Skarda

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 307.

A BILL FOR AN ACT to amend section 80-411, Reissue Revised Statutes of Nebraska, 1943, relating to institutions of higher education; to provide waiver of tuition for children of certain servicemen; and to repeal the original section.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Anderson Barnett Burbach Carpenter C. Carsten
F. Carstens Cavanaugh Clark DeCamp Dickinson
Duis Epke Fellman Fowler Goodrich
Hasebroock Johnson Kelly Kennedy Keyes
Kime Kremer F. Lewis R. Lewis Luedtke
Mahoney Maresh Moylan Murphy Nore
Proud Rasmussen Richendifer Schmit Simpson
Skarda Stahmer Stromer Stull Syas
Waldron Warner Whitney Wiltse

Voting in the negative, 0.

Not voting, 5:

Chambers Marsh Marvel Savage Snyder

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 353.

A BILL FOR AN ACT to amend section 24-708, Revised Statutes Supplement, 1972, relating to the retirement system for judges; to make retirement mandatory at age seventy-two except as prescribed; and to repeal the original section.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Barnett	Burbach	Carpenter	C. Carsten	Clark
DeCamp	Duis	Fellman	Fowler	Goodrich
Hasebroock	Johnson	Kennedy	Keyes	Kime
Kremer	F. Lewis	R. Lewis	Luedtke	Mahoney
Maresh	Moylan	Murphy	Proud	Rasmussen
Schmit	Simpson	Skarda	Snyder	Stahmer
Stromer	Stull	Syas	Waldron	Warner
Whitney	Wiltse			

Voting in the negative, 5:

Anderson	F. Carstens	Cavanaugh	Kelly	Nore

Not voting, 7:

Chambers	Dickinson	Epke	Marsh	Marvel
Richendifer	Savage			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 364.

A BILL FOR AN ACT to amend sections 70-615 and 70-619, Reissue Revised Statutes of Nebraska, 1943, and sections 70-610 and 70-611, Revised Statutes Supplement, 1972, relating to public power districts; to change provisions for election of directors and payment of the costs of elections; and to repeal the original sections.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
Clark	DeCamp	Dickinson	Duis	Epke
Fellman	Fowler	Goodrich	Johnson	Kelly
Kennedy	Keyes	Kime	Kremer	F. Lewis
R. Lewis	Luedtke	Mahoney	Maresh	Marsh
Moylan	Murphy	Nore	Proud	Rasmussen
Richendifer	Schmit	Simpson	Skarda	Snyder
Stahmer	Stromer	Stull	Syas	Warner
Whitney	Wiltse			

Voting in the negative, 1:

Waldron

Not voting, 6:

F. Carstens	Cavanaugh	Chambers	Hasebroock	Marvel
Savage				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 374.

A BILL FOR AN ACT relating to the Game and Parks Commission; to provide for a plan of construction and improvement for all exterior access roads and interior service roads as prescribed.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Clark	DeCamp	Dickinson	Duis
Epke	Fellman	Fowler	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kime
Kremer	F. Lewis	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Moylan	Nore
Proud	Rasmussen	Richendifer	Simpson	Skarda
Snyder	Stahmer	Stromer	Stull	Syas
Waldron	Warner	Whitney	Wiltse	

Voting in the negative, 0.

Not voting, 5:

Cavanaugh
Chambers
Murphy
Savage
Schmit

A constitutional majority having been complied with, the bill was declared passed and the title agreed to.

PRESIDENT MARSH PRESIDING

LEGISLATIVE BILL 414.

A BILL FOR AN ACT to amend section 39-7,129, Reissue Revised Statutes of Nebraska, 1943, relating to rules of the road; to require a driver's education and training course of certain persons; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Clark
DeCamp
Duis
Epke
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Nore
Proud
Rasmussen
Richendifer
Schmit
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 5:

Cavanaugh
Chambers
Dickinson
Savage
Waldron

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 436.

A BILL FOR AN ACT to amend section 43-104, Revised Statutes Supplement, 1972, relating to adoption; to provide an alternative to the consent required for adoption; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Clark
DeCamp
Dickinson
Duis
Epke
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Nore
Proud
Rasmussen
Richendifer
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 3:

Chambers
Savage
Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 475.

A BILL FOR AN ACT relating to schools; to provide that a school district may indemnify as prescribed; and to provide for insurance.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Anderson
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Clark
DeCamp
Dickinson
Epke
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Moylan
Murphy
Nore
Rasmussen
Richendifer
Schmit
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 1:

Barnett

Not voting, 5:

Chambers
Duis
Marvel
Proud
Savage

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 503.

A BILL FOR AN ACT relating to service of process; to change provisions for service on a corporation; to provide for service on political subdivisions; to amend section 25-511, Revised Statutes Supplement, 1972; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Clark
DeCamp
Dickinson
Duis
Epke
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Murphy
Nore
Proud
Rasmussen
Richendifer
Schmit
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 3:

Chambers
Moylan
Savage

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 517.

A BILL FOR AN ACT relating to real property; to provide a standard of care for title examiners; and to repeal sections 76-503 and 76-601 to

76-644, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	DeCamp	Dickinson	Duis
Epke	Fellman	Fowler	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kremer
F.	Lewis	Luedtke	Mahoney	Maresh
Marsh	Nore	Proud	Rasmussen	Richendifer
Schmit	Simpson	Skarda	Snyder	Stahmer
Stromer	Stull	Syas	Waldron	Warner
Whitney	Wiltse			

Voting in the negative, 0.

Not voting, 8:

Chambers	Clark	Kime	R. Lewis	Marvel
Moylan	Murphy	Savage		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 518.

A BILL FOR AN ACT to amend section 9-401, Uniform Commercial Code, Cumulative Supplement, 1972, relating to secured transactions; to change a filing provision; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Clark	DeCamp	Dickinson
Duis	Epke	Fellman	Fowler	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kremer	F. Lewis	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Moylan	Murphy
Nore	Proud	Rasmussen	Richendifer	Schmit
Simpson	Skarda	Snyder	Stahmer	Stromer

Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 3:

Chambers
Kime
Savage

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 519. With Emergency.

A BILL FOR AN ACT to amend section 43-236.01, Reissue Revised Statutes of Nebraska, 1943, relating to infants; to provide procedure for use of referees in juvenile courts; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Anderson
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Clark
DeCamp
Dickinson
Duis
Epke
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Nore
Proud
Rasmussen
Schmit
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 6:

Barnett
Chambers
Kime
Murphy
Richendifer
Savage

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 521.

A BILL FOR AN ACT to amend section 25-804, Reissue Revised Statutes of Nebraska, 1943, relating to district courts, civil procedure; to provide how damages shall be stated in petitions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
DeCamp
Dickinson
Duis
Epke
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Nore
Proud
Rasmussen
Richendifer
Schmit
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Wiltse

Voting in the negative, 0.

Not voting, 5:

Chambers
Clark
Kime
Savage
Whitney

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on LB 207 and LB 307.

(Signed) Shirley Marsh

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on April 18, 1973 at 2:35 p.m. were the following: LB 22, LB 73, LB 290, LB 319, LB 319A, LB 332, LB 408, LB 415, LB 455, LB 482, LB 492, LB 498, LB 501 and LB 546.

(Signed) Barbara Jackson, Enrolling Clerk

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 567. Placed on General File as amended.

Standing Committee amendments to LB 567:

1. On page 2 lines 8 and 13 strike "five" and insert "three".
2. On page 3 line 12 strike "five" and insert "three".

LEGISLATIVE BILL 568. Placed on General File as amended.
Standing Committee amendments to LB 568:

1. Strike original sections 1 and 2 and insert the following:

"Section 1. That section 28-1212, Revised Statutes Supplement, 1972, be amended to read as follows:

28-1212. Any person who, with intent to defraud, shall make or draw, utter or deliver any check, draft, assignment of funds, or order for the payment of money upon any bank, cooperative credit association, or other depository knowing, at the time of such making, drawing, uttering, or delivering, that the maker or drawer has no account or deposit in such bank, cooperative credit association, or depository, upon conviction thereof, shall be ~~punished as follows: (1) If such check, draft, order or assignment of funds so issued be for a sum not exceeding seventy-five dollars, the person so convicted shall be~~ fined in any sum not less than five dollars nor more than five hundred dollars, or shall be imprisoned in the county jail not more than six months, or be both so fined and imprisoned, at the discretion of the court, and shall pay the costs of prosecution. ~~; or (2) if~~ If such check, draft, order or assignment of funds so issued be for a sum ~~greater than seventy-five~~ of one thousand dollars or more, or if any person shall have been previously convicted of issuing ~~a check, draft, order, or assignment~~ checks, drafts, orders, or assignments of funds ~~under one hundred dollars~~, the aggregate total of which is one thousand dollars or more in any one-year period of time, the person so convicted shall be imprisoned in the Nebraska Penal and Correctional Complex not exceeding ten years, or be imprisoned in the county jail not exceeding one year, or be fined not less than fifty dollars nor more than five thousand dollars, or be both so fined and imprisoned, at the discretion of the court. Any such instrument given in payment for lodging or other accomodations at any apartment house, hotel or motel shall be presumed to have been given with intent to defraud, but such presumption may be rebutted. In addition to the penalties provided in this section, persons so convicted shall be ordered by the sentencing court to make full restitution to the party or parties injured, and such order may be enforced by the injured party the same as any judgment in a civil action.

Sec. 2. That section 28-1213, Revised Statutes Supplement, 1972, be amended to read as follows:

28-1213. Any person who, with intent to defraud, shall make or draw, utter or deliver any check, draft, assignment of funds or order for the payment of money upon any bank, cooperative credit association, or other depository knowing, at the time of such making, drawing, uttering or delivering, that the maker or drawer has not sufficient funds in, or credit with, such bank, cooperative credit association or other depository for the payment of such check, draft, order or assignemnt of funds in full upon its presentation, shall upon conviction ~~be punished as follows: (1) If such check, draft, order or assignment of funds so issued be for a sum not exceeding seventy-five dollars, the person so convicted shall~~ be fined in any sum not less than five dollars nor more than five hundred dollars or shall be imprisoned in the county jail not more than six months, or be both so fined and imprisoned, at the discretion of the court and shall pay the costs of prosecution. ~~; or (2)~~

~~if~~ If such check, draft, order or assignment of funds so issued be for a sum ~~greater than seventy-five~~ of one thousand dollars or more, or if any person shall have been previously convicted of issuing ~~a check, draft, order, or assignment~~ checks, drafts, orders, or assignments of funds ~~under seventy-five dollars,~~ the aggregate total of which is one thousand dollars or more in any one-year period of time, the person so convicted shall be imprisoned in the Nebraska Penal and Correctional Complex not exceeding ten years, or be imprisoned in the county jail not exceeding one year, or be fined not less than fifty dollars nor more than five thousand dollars, or be both so fined and imprisoned, at the discretion of the court. Any such instrument given in payment for lodging or other accommodations at any apartment house, hotel or motel shall be presumed to have been given with intent to defraud, but such presumption may be rebutted. In addition to the penalties provided in this section, persons so convicted shall be ordered by the sentencing court to make full restitution to the party or parties injured, and such order may be enforce by the injured party the same as any judgment in a civil action.

Sec. 3. It shall be an affirmative defense to conviction under sections 83-1212 and 83-1213 that an otherwise injured party who received a check, draft, order or assignment of funds from the defendant had actual knowledge that the defendant had no account, or no deposit in an account, or insufficient funds in an account upon which the instrument was drawn. The burden of proof of such defense shall be on the defendant. Where such a party receives such an instrument, the transaction shall be considered as that of a loan of funds, and the recipient of the instrument shall be considered the lender and may enforce the loan subject to law.".

2. Renumber original section 3 as section 4.

LEGISLATIVE BILL 569. Placed on General File as amended.
Standing Committee amendment to LB 569:

1. On page 2 line 7 reinstate "shall", and line 8 strike "may"; line 14 by inserting after "department" the following "unless such articles of equal quality and material could be purchased from another supplier at a lesser cost. The quality and materials must be certified as being equal by the Director of Corrections."; lines 14 to 23 reinstate the stricken matter.

(Signed) Roland A. Luedtke, Chairman

RESOLUTIONS

LEGISLATIVE RESOLUTION 46.

Introduced by the Revenue Committee, Burbach, Chairman, 19th District.

WHEREAS, each regular session of the Legislature is faced with numerous bills dealing with virtually every aspect of revenue and taxation; and

WHEREAS, such bills frequently require more study than can be given during a session as evidenced by the fact that several such bills were killed in committee during the present session with the understanding that they would be made the subject of interim studies; and

WHEREAS, unanticipated problems often arise in the field of taxation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Committee on Revenue be directed to study those problems presented by bills killed with the understanding that they would be made the subject of interim studies and such other problems respecting revenue and taxation which may arise and report its findings and recommendations to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 47.

Introduced by the Committee on Agriculture and Environment, Schmit, 23rd District, Chairman.

WHEREAS, extensive amendments by Congress with the passage of HR 10729 (The Federal Environmental Pesticide Control Act) which substantially amends the Federal Insecticide, Fungicide and Rodenticide Act, have put most states, including Nebraska, in a position of having to adopt additional legislation relating to the certification of applicators, registration of pesticides and the appointment of a single agency to administer a state program; and

WHEREAS, under the federal act, the states are left with some discretion to choose the extent of their involvement, leaving Nebraska the opportunity to regulate pesticides in a comprehensive manner or to relegate as much responsibility to the federal government Environmental Protection Agency as may be possible; and

WHEREAS, the extent to which the Environmental Protection Agency wishes to allow that kind of relegation depends upon policy decisions which have not yet been made, preventing the preparation of a legislative bill for introduction at this time; and

WHEREAS, Nebraska, being an agricultural state, will be vitally interested and perhaps economically effected by the federal administration of all pesticide application and registration for use of pesticides.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a legislative study committee be appointed by the Executive Board of the Legislative Council to study and report to the next session of the Legislature on the problems posed by use of modern pesticides, the impact on Nebraska by the passage of HR 10729, and recommend what legislation, if any, shall be proposed to serve the best interest of the State of Nebraska.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 48.

Introduced by the Committee on Public Health and Welfare: Kennedy, 21st District, Chairman; Cavanaugh, 9th District; R. Lewis, 38th District; Goodrich, 20th District; Maresh, 32nd District; F. Lewis, 45th District; Schmit, 23rd District.

WHEREAS, the provision of adequate health care for all the citizens of Nebraska is a continuing and growing concern to the Legislature; and

WHEREAS, the Nebraska Legislature has indicated concern over the escalating health care costs in the State of Nebraska; and

WHEREAS, serious health care problems exist throughout the state, in urban as well as rural areas, resulting in large part from a shortage of fully trained and qualified health care personnel; and

WHEREAS, only selected providers of health care are licensed; and

WHEREAS, the allied health care professions are not yet being used to any marked extent in Nebraska but might be of major assistance in the provision of improved health care; and

WHEREAS, legislation on such a vital and broad area as health care services in the State of Nebraska requires intensive and thorough study in order to insure that any legislation proposed is not detrimental to the best interests of the citizens of the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Public Health and Welfare Committee be assigned the task of studying:
    a. All aspects of the utilization of allied health care professions including licensure and performance of duties;
    b. The introduction of Health Maintenance Organizations to the Nebraska health delivery system including advantages, disadvantages, licensure requirements, and any related information with respect to providing quality health care at a reasonable level of cost;
    c. Welfare costs and the specific impact of welfare reform (HR 1) on the services and health care provided to the aged citizens of Nebraska;
    d. Hospital costs and related medical costs which prevail in Nebraska and the impact of voluntary price control.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 49.

Introduced by Barnett, 26th District.

WHEREAS, Lancaster County is desirous of acquiring the land upon which the former Nebraska Orthopedic Hospital was located for the erection of a Dentention Center; and

WHEREAS, such land is now surplus to the needs of the state; and

WHEREAS, the proposed use of such land would be very beneficial; and

WHEREAS, the State of Nebraska has offered to sell and Lancaster County agrees to buy the real estate described as: Beginning at the southwest corner of Lot 10, Block 1, South Park Addition, in the city of Lincoln, thence northerly, along the east line of 10th Street a distance of 118.90 feet; thence easterly, on a deflection angle of ninety degrees six minutes right, a distance of 247.48 feet; thence northerly, on a deflection angle of eighty-nine degrees one minute left, a distance of 168.35 feet; thence easterly, on a deflection angle of eighty-nine degrees eighteen minutes right, a distance of 103.7 feet, to a point on the west line of 11th Street; thence southerly, along the west line of 11th Street, on a deflection angle of eighty-nine degrees forty-one minutes right, a distance of 317.59 feet; thence westerly, on a deflection angle of eighty-nine degrees fifty-seven minutes right, a distance of 195.0 feet; thence northerly, on a deflection angle of eighty-eight degrees twelve minutes right, a distance of 31.20 feet; thence westerly, on a deflection angle of eighty-eight degrees nine minutes left, a distance of 158.0 feet, to the point of beginning, containing 65,847.8 square feet, more or less.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

That the Governor is authorized to negotiate with the county board of Lancaster County and convey title to such land to the county for a consideration of seventy-five thousand dollars.

Mr. Barnett moved to suspend the Rules to take up LR 49 at this time. The motion prevailed with 31 ayes, 0 nays and 18 not voting.

LR 49 was adopted with 29 ayes, 0 nays and 20 not voting.

LEGISLATIVE RESOLUTION 50.

Introduced by Schmit, 23rd District; Waldron, 42nd District; Snyder, 14th District.

WHEREAS, Nebraska is an agricultural state and its economy is intricately interwoven with a healthy financial climate for agriculture; and

WHEREAS, the average of Nebraska farmers is over 59 years of age; and

WHEREAS, the increased cost of the investment necessary to become established in agriculture has frequently not yielded a satisfactory return on capital; and

WHEREAS, this has resulted in a serious shortage of capital available to young farmers; and

WHEREAS, this could produce a serious crisis in the area of production of food and fiber.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Committee on Agriculture and Environment undertake a study to determine the reasons for the lack of interest in farming by young people and to make a report to the next session of the Legislature with its recommendations.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 51.

Introduced by DeCamp, 40th District.

WHEREAS, the regulation of lotteries, wagering, and gambling are issues confronting many legislatures; and

WHEREAS, there is now pending before this Legislature proposed legislation dealing with such areas; and

WHEREAS, the trends, customs, and mores of the country have changed requiring more information than is now available to the Nebraska Legislature; and

WHEREAS, legislation on such a controversial subject requires intensive and thorough study in order to insure that any legislation proposed is not detrimental to the best interests of the State of Nebraska.

NOW, THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature of the State of Nebraska establish an interim study committee on gambling, wagering, lotteries, and other subjects related thereto.
2. That the committee make its report to the next session of the Legislature with its recommendations.

Referred to the Executive Board.

ANNOUNCEMENT

Mr. Maresh announced that the Labor Committee will meet in Executive Session, April 19, at 8:30 a.m. in the Legislative Chamber under the North balcony.

MOTION—Introduce Bill

Mr. Cavanaugh moved the introduction of a new bill by the Committee on Miscellaneous Subjects (Request No. 900). The motion prevailed with 32 ayes, 0 nays and 17 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 577. By the Miscellaneous Subjects Committee: Waldron, 42nd District, Chairman; Carpenter, 48th District; Mahoney, 5th District; Skarda, 7th District; F. Lewis, 45th District; Cavanaugh, 9th District.

A BILL FOR AN ACT relating to metropolitan utilities districts; to authorize such districts to construct public off-street parking facilities within designated civic centers in conjunction with the administrative headquarters of such districts; and to provide for financing.

SELECT FILE

LEGISLATIVE BILL 481. Mr. Kelly offered the following amendment which was adopted with 28 ayes, 0 nays and 21 not voting:
1. Strike the standing committee amendment; and on page 2, line 14, insert "pursuant to rules as prescribed by the Department of Labor and filed in accordance with the requirements of Chapter 84, article 9" after "certification".

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 547. E & R amendments found in the Journal on page 1303 for the Sixty-ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 445. Laid over at the request of Mr. F. Lewis.

MOTION–Return LB 547 to Select File

Mr. Carpenter moved to return LB 547 to Select File for the following specific amendment:
Add the emergency clause.

The motion prevailed with 25 ayes, 0 nays and 24 not voting.

MESSAGE FROM THE GOVERNOR

March 2, 1973

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment requiring legislative confirmation:

> John Mason, 2411 Craig, Sidney, Nebraska, to the Oil and Gas Conservation Commission to replace John D. Knapp, resigned

I respectfully submit this appointment for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

SELECT FILE

LEGISLATIVE BILL 547. The Carpenter specific amendment found in this day's Journal was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Approve Governor Appointments

Mr. Whitney asked unanimous consent to approve the following Governor's appointments found in the Journal on page 1305 for the Sixty-ninth Day in one vote. No objections. So ordered.

Herbert G. Andrews – Motor Vehicle Industry Licensing Bd
William E. Colwell – Board of Trustees of Nebr. State Colleges
Dr. Brendan J. McDonald – Educational Television Commission

Voting in the affirmative, 33:

Anderson
Barnett
Burbach
Carpenter
Cavanaugh
Clark
DeCamp
Duis
Epke
Goodrich
Hasebroock
Johnson
Kennedy
Kime
Kremer
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Proud
Rasmussen
Richendifer
Skarda
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 16:

C. Carsten
F. Carstens
Chambers
Dickinson
Fellman
Fowler
Kelly
Keyes
F. Lewis
Murphy
Nore
Savage
Schmit
Simpson
Snyder
Stahmer

The appointments were confirmed with 33 ayes, 0 nays and 16 not voting.

NOTICE OF COMMITTEE HEARING
Committee on Committees

April 18, 1973

The Committee on Committees will meet at 12:30 p.m., Tuesday, May 1, 1973, for the purpose of hearing appointments by Governor J. James Exon as follows:

State Electrical Board

Robert J. Chase
Edward R. Brandt
Weston Webb

Public Employees Retirement Board

Lowell W. Fisk
Richard Weber

Motor Vehicle Industry Licensing Board

Walter R. Louis

(Signed) Ramey C. Whitney, Chairman
Committee on Committees

April 18, 1973

The Committee on Committees will meet at 12:30 p.m., Thursday, May 3, 1973, for the purpose of considering appointments by Governor J. James Exon as follows:

Motor Vehicle Industry Licensing Board

Dick L. Flynn (reset)
Kenneth Hilton (reset)

Board of Educational Lands & Funds

John C. Mitchell (reset)

Code of Ethics Board

Gustave Lieske

Advisory Committee to the
Department of Economic Development

Roland Woodward

Oil and Gas Commission

John Mason

(Signed) Ramey C. Whitney, Chairman
Committee on Committees

MOTION—Return LB 378 to Select File

Mr. R. Lewis moved to return LB 378 to Select File for the following specific amendments by Mr. Rasmussen:

1. Insert two new sections to read as follows:

"Sec. 2. The Department of Agriculture shall require that adequate notice be provided to consumers in retail food establishments with respect to the purchase of synthetic meat, fish, or poultry products, meat, fish, or poultry extender products, or blended meat, fish, or poultry products intended for human consumption.

Adequate notice shall consist of a display of such products set off and separate from displays of red meat, fish, or poultry in the retail food establishment. A sign shall be affixed in close proximity to the display stating that the products therein are of the synthetic, extension, or blended variety. The sign shall be easily readable and shall be displayed in a prominent, conspicuous location.

Sec. 3. The price of synthetic meat, fish, or poultry products, meat, fish or poultry extender products, or blended meat, fish, or poultry products shall be expressed in terms of cost per pound.".

2. Renumber original section 2 as section 4.
3. Add the emergency clause.

The motion prevailed with 26 ayes, 0 nays and 23 not voting.

MOTION–Return LB 378A to Select File

Mr. R. Lewis moved to return LB 378A to Select File for the following specific amendment:

Strike the enacting clause.

The motion prevailed with 32 ayes, 0 nays and 17 not voting.

SELECT FILE

LEGISLATIVE BILL 378A. The R. Lewis specific amendment found in this day's Journal was adopted with 35 ayes, 0 nays and 14 not voting.

MOTION–Return LB 510 to Select File

Mr. Carpenter moved to return LB 510 to Select File for the following specific amendments:

1. In the Carpenter amendment 1 adopted 4/17/73, strike line 1 and insert: "1. Insert 2 new sections to read: "; in line 2 strike "Section 1" and insert "Sec. 2."; at the end of line 3, insert ", 1513,"; in line 6 strike "Sec. 2." and insert "Sec. 3."; strike the last three lines; and renumber sections 2 and 3 as sections 4 and 5.
2. Strike the Carpenter amendment 2 adopted 4/17/73/.
3. In section 1 strike the new matter in lines 7 and 8 and insert "plus the amount of investment income received by the University of Nebraska Field House Fund and by the Construction and Bond Funds and the amount in the Reserve Account established in connection with The University of Nebraska Facilities Corporation bond issue used to finance the new field house".
4. In the title, strike lines 2 to 7 and insert:

"FOR AN ACT relating to state funds; to provide for the use of earnings on funds appropriated for the new field house at Lincoln; to make appropriations and reappropriations; to amend section 85-1,100, Revised Statutes Supplement, 1972; to repeal the original section; and to declare an emergency.".

The motion prevailed with 29 ayes, 0 nays and 20 not voting.

SELECT FILE

LEGISLATIVE BILL 510. The Carpenter specific amendment found in this day's Journal was adopted with 28 ayes, 0 nays and 21 not voting.

Advanced to E & R for Engrossment.

MOTION—Return LB 435 to Select File

Mr. Stahmer moved to return LB 435 to Select File for the following specific amendments:

1. Strike sections 1 and 3 and renumber original section 2 as section 1; and in line 1 thereof strike "original".

2. In the title, strike lines 2 to 6 and insert:
"FOR AN ACT to repeal section 79-803.03, Revised Statutes Supplement, 1972, relating to schools.".

The motion prevailed with 27 ayes, 5 nays and 17 not voting.

SELECT FILE

LEGISLATIVE BILL 435. The Stahmer specific amendments found in this day's Journal were adopted with 25 ayes, 5 nays and 19 not voting.

Advanced to E & R for Engrossment.

Bracketed on E & R for Engrossment at the request of Mr. Proud.

UNANIMOUS CONSENT—Unbracket LB 452

Mr. Marvel asked unanimous consent to unbracket LB 452 on E & R. No objections. So ordered.

MOTION—Return LB 452 to Select File

Mr. Marvel moved to return LB 452 to Select File for the following specific amendments:

1. Strike sections 1 to 70 and insert:

"Section 1. (1) There is hereby created the Governmental Services Commission which shall consist of five members. The members shall include the Governor, who shall be chairman of such commission, the Attorney General, the Auditor of Public Accounts, the State Treasurer, and the Secretary of State.

(2) The commission shall elect from its members a vice-chairman and a secretary. The vice-chairman shall serve as chairman in case of the absence or disability of the chairman. The secretary shall keep all records of meetings of and actions taken by the commission.

(3) The members of the commission shall receive no compensation for their services as such other than the salary allowed them by law but shall be reimbursed for their actual and necessary expenses.

(4) The commission shall hold at least four meetings annually at a time and place fixed by such commission and shall keep a record of its proceedings, which shall be open to the public for inspection.

Special meetings may be called by the chairman. Such special meetings must be called by him upon receipt of a written request signed by two or more members of the commission. The majority of the members of the commission shall constitute a quorum.

(5) The commission shall promulgate such rules, regulations, and policies as may be necessary to carry out the provisions of this act.

Sec. 2. The Governmental Services Commission shall, on the operative date of this act, appoint a data processing administrator, subject to confirmation by the Legislature. The term of office of the administrator initially appointed shall expire on July 1, 1977. Thereafter his successors shall be appointed for a four-year term commencing on July 1, 1977. Any person who has successfully completed a four-year program at an accredited four-year college or university and who has not less than four years' total experience in machine data processing operations involving unit record or computer equipment, or both, of which not less than one year shall have been experience as the supervisor of a machine data processing entity of a government or private enterprise, and not less than two years shall have been experience as a systems analyst or with principal responsibility for systems development or supervision, or both, and of which not less than one year shall have been experience in the operations program of a unit record or computer machine program, or both, may be appointed data processing administrator. In lieu of such formal educational requirements, eight years of progressively responsible experience in governmental or public accounting, or a combination of accounting and machine data processing systems experience, or a combination of both, may, at the option of the appointing authority, be accepted as meeting minimum qualifications for appointment. Successful completion of training courses covering the functions, programming, operations, and systems development aspects of machine data processing equipment may be credited as experience in direct proportion to the number of weeks of course work completed.

Sec. 3. Subject to the general direction of the Governmental Services Commission, the data processing administrator shall have the following powers, duties, and responsibilities:

(1) He shall select and manage such staff and supervise the operation of such equipment as he may require;

(2) He shall provide and develop state data bases for all automated systems insuring standardized data elements in conjunction with all divisions;

(3) He shall review the potential application of machine data processing to any work performed outside his office, or by any department or agency of the state, or any subdivision of any department or agency of the state, and if he shall find that the costs of mechanizing such work will not exceed present costs or that efficiencies may be achieved, he may accept responsibility for the performance of such work;

(4) He shall provide services such as system review, system design, feasibility studies, machine reviews, and for long-range planning and management services within his office;

(5) He shall work with and review the operations of machine data processing installations as may exist in any college, university, department, or agency of the state and may cause such operations to be utilized by or merged with those of his office in the event that a cost analysis shows that economic advantage may be achieved. He may permit the establishment of departmental or agency data processing machine operations in any department or agency of the state if his analysis of feasibility shall show a potential economy or a substantial convenience for the state incident to such separate establishment;

(6) He shall prepare an annual budget in sufficient time in advance of the statutory date for submittal of budget requests by departments and agencies of the state as to permit each department and agency for which services are performed, or are to be performed during the request budget year, to be informed of its proportional share of costs of his office for inclusion within its budget request;

(7) He shall provide for a system of charges for services rendered by his office to any other department or agency of the state when such charges are allocable to a particular project carried on by such department or agency. Such charges shall, as nearly as may be practical, reflect the actual costs of hours, or fractions thereof, of machine time utilized in performance of services for such department or agency. Miscellaneous supplies shall be billed to using agencies at actual cost. Equipment used primarily by one agency for special applications shall be billed to that agency at actual cost. In the event of saturation of his office with the resulting need for contractual support to be furnished by another data processing installation,

agencies shall be billed at actual cost. The charges received for data processing services shall be credited to a fund hereby created which shall be known as the Data Processing Cash Fund. Expenditures shall be made from such fund to finance the operations of the office in accordance with appropriations made by the Legislature, except that no expenditure shall be made for services and equipment which do not directly provide such services and equipment to the user agencies. Any money in the Data Processing Cash Fund available for investment shall be invested by the state investment officer pursuant to the provisions of sections 72-1237 to 72-1259;

(8) He shall provide for the centralization of all administrative work currently being done by state agencies to insure the full utilization of the department equipment;

(9) He may, upon authorization from the appropriate agency head, release information, data, and reports; and

(10) He shall direct the development of the master plan for a state data processing network.

Sec. 4. On the operative date of this act, all personnel, records, files, and property of any kind of the data processing division of the Department of Administrative Services shall be transferred and delivered to the Governmental Services Commission.

Sec. 5. That section 81-1102, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1102. As used in this act, unless the context otherwise requires:

(1) Gender with reference to the masculine or feminine gender shall be construed to apply to either or both genders;

(2) Executive budget shall mean the budget proposed by the governor to the Legislature as the basis of appropriations for the operation of and capital outlay by state government during the period covered by such budget;

(3) Approved budget shall mean the executive or Governor's budget as modified by appropriations actions of the Legislature;

(4) Budgetary allotments shall mean the plan of expenditures, by program, subprogram, activity or object of expenditure under the approved budget for monthly or other applicable periods of time within each biennium, to which a department or agency may be held during such period of time within the biennium;

(5) Accrual system shall mean the recording of revenue when earned and the recording of expenditures as soon as they result in liabilities, notwithstanding the fact that the receipt of the revenue or payment of the expenditure may take place, in whole or in part, in another accounting period;

(6) Double entry system shall mean a system of bookkeeping which requires for every entry made to the debit side of an account or accounts an entry for a corresponding amount or amounts to the credit side of another account or accounts resulting in a self-balancing accounting system;

(7.) Disbursement shall mean payment from the state treasury;

(8) Expenditure shall mean, when an accrual system has been established, total liability incurred by contract or purchase order, or payroll commitments or as otherwise provided by law, whether or not related disbursement has been made from the state treasury, and shall mean, until an accrual system has been established, disbursements from the state treasury;

(9) Revenue shall mean, when an accrual system has been established, additions to assets which do not increase any liability or represent the recovery of an expenditure or disbursement or any part thereof, or the cancellation of liabilities without a corresponding increase in other liabilities or a decrease in assets. Until an accrual system has been established, this term shall mean additions to cash in the state treasury or for deposit in the state treasury only;

(10) Receipts shall mean cash received, unless otherwise qualified;

(11) Budgetary accounting shall mean a system of accounts designed to reflect budget operations and conditions, such as estimated revenue, appropriations, and encumbrances as distinct from proprietary accounts designed to show the status of the assets, liabilities and surplus of the state and its departments and agencies;

(12) Encumbrances shall mean charges to appropriation accounts to reflect obligations for which a part of the appropriation is reserved and which shall cease to be encumbrances when paid or when an actual liability is established in a proprietary account;

(13) Proprietary account shall mean those accounts designed to show actual financial position and operations such as actual assets, liabilities, revenue, surplus, revenue and expenditures, as distinguished from

budgetary accounts;

(14) Program shall mean a major operation of the state government directed toward the achievement of a definite legal objective and which, in most instances, could be carried on independently of other major operations of the state as defined and described in the accounting and budgeting manuals on file in the office of the Director of Administrative Services;

(15) Subprogram shall mean one or more operations of a department or agency of the state designed jointly to accomplish a major program objective as defined in the accounting and budgeting manuals on file in the office of the Director of Administrative Services;

(16) Activity shall mean one or more operations of a department or agency of the state designed jointly to accomplish the objective of a subprogram to which it is related as defined in the accounting and budgeting manual on file in the office of the Director of Administrative Services;

(17) Staffing pattern shall mean the number of positions in each class and the specific classes of positions as may be authorized for each department or agency for such department or agency programs, subprograms and activities;

(18) Approved project shall mean any acquisition of land or buildings, any construction or major remodeling of new or newly acquired buildings or structures or of existing state-owned buildings or structures, excluding state highways or state roads or aeronautical projects, or any additions to buildings or structures of land owned by the state, or its departments or agencies, for which an appropriation or other act of the Legislature shall make provision;

~~(19) Machine time shall mean the hours, or fractions thereof, of operation of each component of a machine data processing system, together with the hours, or fractions thereof, of machine operator time for each such component devoted to the production of a report or tabulation or the processing of data necessary to such production, and shall also include a proportional reflection of the hours, or fractions thereof, of supervisory time so that all costs of operation of the data processing service division may be reflected in billings to benefiting departments or agencies;~~

~~(20)~~ (19) Budget request shall mean the complete recitation, on forms prescribed by the budget division and in the manner prescribed by such division, of the operating and construction funds requests of a department or agency for the fiscal period next following the then current fiscal period;

~~(21)~~ (20) Department shall mean the Department of Administrative Services;

~~(22)~~ (21) Director shall mean the Director of Administrative Services; and

~~(23)~~ (22) Noncash voucher shall mean a document which serves as evidence of an official transaction to which bills, receipts and other appropriate evidences of indebtedness or settlements may be attached, showing the authority for payment, the particulars of settlement, and other relevant details involving transactions between funds or agencies or departments of the state and which shall be used to liquidate these obligations by a method not requiring the issuance of a warrant since the transactions do not result in either increase or decrease of overall balance in the state treasury.

Sec. 6. That section 81-1103, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1103. There is hereby created a department of government to be known as the Department of Administrative Services. The chief administrative officer of the department shall be the director to be known as the Director of Administrative Services. The director shall be appointed by the Governor from a list of three nominees, not more than two of whom shall be from the same political party, submitted to him by the Governmental Services Commission, subject to confirmation by a majority vote of members of the Legislature. ~~The director shall serve at the discretion of the Governor.~~ On the operative date of this act, a director shall be appointed for a term to expire on July 1, 1977. Thereafter his successors shall be appointed for a four-year term commencing on July 1.

Sec. 7. That section 81-1108, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1108. The Department of Administrative Services shall fulfill the functions in the administration of state government of fiscal control and of centralizing services. There shall be separate divisions within the department to assist in fulfilling these functions. The divisions shall be the accounting division and the budget division in the area of fiscal control, and shall be the ~~data processing division,~~

materiel division, capital buildings division, and the general services division in the area of centralized services. The Director of Administrative Services shall appoint a separate administrator as head of each division. The director shall have the responsibility and authority for directing and coordinating the programs and activities of the several divisions, and shall be empowered to remove the administrators of any of the several divisions at his discretion. The director shall have the power to delegate authority for administration of the provisions of sections 81-1101 to 81-1129 to any of his division heads as he may deem appropriate except as otherwise provided by law.

Sec. 8. Neither the Governor nor the Department of Administrative Services shall enter into any new contract, or modify or cancel any existing contract, with respect to data processing after the effective date of this section.

Sec. 9. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration of invalidity shall not affect the validity of the remaining portions thereof.

Sec. 10. This act shall become operative on July 1, 1973, except that section 8 of this act shall become operative on the effective date of this act.

Sec. 11. That original sections 81-1102, 81-1103, and 81-1108, Reissue Revised Statutes of Nebraska, 1943, and also sections 81-1116 and 81-1117, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 12. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

The motion prevailed with 25 ayes, 1 nay and 23 not voting.

SELECT FILE

LEGISLATIVE BILL 452. The Marvel specific amendment found in this day's Journal was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Engrossment.

REFERENCE COMMITTEE REPORT

LB **Committee**

577 Miscellaneous Subjects

(Signed) Terry Carpenter, Chairman
Executive Board

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 36, 207, 257, 307, 353, 364, 374, 414, 436, 475, 503, 517, 518, 519, 521 and LR 34.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bills: 36, 207, 257, 307, 353, 364, 374, 414, 436, 475, 503, 517, 518, 519, 521 and LR 34.

UNANIMOUS CONSENT—Member Excused

Mr. F. Carstens asked unanimous consent to be excused at noon on Thursday, April 19, 1973. No objections. So ordered.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 530. Placed on General File as amended.
Standing Committee amendments to LB 530:
On page 3, line 2 after "contractors" insert "pursuant to the direction and control of the Tax Commission"

On page 3, line 19 strike "nor the value of any individual parcel of property"

On page 3, line 27 strike "5" and insert "2".

On page 4, strike line 1 to 11.
Renumber original sections 6 and 7 as 5 and 6.

LEGISLATIVE BILL 91. Placed on General File.

(Signed) J. W. Burbach, Chairman

UNANIMOUS CONSENT—Unbracket LB 275

Mr. Fellman asked unanimous consent to unbracket LB 275 on General File. No objections. So ordered.

ADJOURNMENT

Messrs. F. Lewis and Stahmer moved to adjourn until 10:00 a.m., Monday, April 30, 1973.

Mr. Carpenter moved to amend the motion to adjourn until 9:00 a.m., Thursday, April 19, 1973. The amendment prevailed with 27 ayes, 5 nays and 17 not voting.

The F. Lewis-Stahmer motion, as amended, prevailed and at 4:08 p.m., the Legislature adjourned until 9:00 a.m., Thursday, April 19, 1973.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

SEVENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 19, 1973

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mr. Whitney presiding.

PRAYER

The prayer was offered by the Chaplain.

> O Lord our God: We are aware of the things which You did in the Fullness of Times to make this a Holy Week; but we may not be aware of all the things we should be doing in our own time to keep it Holy.
>
> By the example and spirit of the Holy One who once walked in our midst, inspire us.
>
> May the days ahead when we recall His crucifixion and resurrection strengthen our faith, and issue in special blessing for all.
>
> May the peace and joy of the Easter Season be upon Nebraska's Represenatives, and upon all they serve. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Burbach who was excused.

CORRECTIONS FOR THE JOURNAL

Page 1263, line 29, strike "1978" and insert "1968".
The Journal for the Sixty-eighth Day was approved as corrected.

Page 1320, line 21, correct spelling of "many".
Page 1324, line 43, correct spelling of "establishment".
The Journal for the Seventieth Day was approved as corrected.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 302, passed in the 1965 session of the Legislature, the attached is a list of all lobbyists who have registered between April 6 through April 19, 1973. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Vincent D. Brown
Clerk of the Legislature

Ryan, James E. – Lincoln, Nebraska Press Association

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on April 18, 1973 at 4:30 p.m.: LB 36, LB 207, LB 257, LB 307, LB 353, LB 364, LB 374, LB 414, LB 436, LB 475, LB 503, LB 517, LB 518, LB 519 and LB 521.

(Signed) Barbara Jackson, Enrolling Clerk

STANDING COMMITTEE REPORT

Nebraska Retirement Systems

LEGISLATIVE BILL 573. Placed on General File as amended.
Standing Committee amendments to LB 573:

"Any county employee who is a member under a county employees retirement system and whose status as a county employee is changed by the Legislature to that of a state employee shall, upon application to the Public Employees Retirement Board and to the county, obtain full and immediate vesting in any prior service retirement benefits and any future service retirement benefits which have been accrued to the date of transfer, except that the employee may not withdraw the amount in his employee account prior to his retirement and still receive vested benefits. Any such employee shall be eligible for immediate participation in the State Employees Retirement System with no minimum period of service required if the minimum age requirement of the State Employees Retirement System is satisfied.

Any county employee who is a member under a county employees retirement system and whose status as a county employee is changed by the Legislature to that of a judge shall, upon application to the Public Employees Retirement Board and to the county, obtain full and immediate vesting in any prior service retirement benefits and any future service retirement benefits which have been accrued to the date of the transfer, except that the employee may not withdraw the amount in his employee account prior to his retirement and still receive such vested benefits. Any such employee shall be eligible for immediate participation in the Nebraska Retirement Fund for Judges."

(Signed) Ramey C. Whitney, Chairman

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 268. With Emergency.

A BILL FOR AN ACT to amend sections 24-342, 28-401, and 28-417, Revised Statutes Supplement, 1972, as amended by sections 1, 2, and 3, respectively, Legislative Bill 146, Eighty-third Legislature, First Session, 1973, relating to crimes and punishments; to recite a statement of intent; to redefine murder in the first degree; to redefine kidnapping; to establish a procedure for determination of the death penalty; to reenact provisions for automatic review, procedures in case of homicide, and procedures for execution of the death penalty; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 34:

Carpenter
C. Carsten
F. Carstens
Clark
Dickinson
Duis
Epke
Goodrich
Hasebroock
Johnson
Kennedy
Keyes
Kime
Kremer
R. Lewis
Mahoney
Maresh
Marvel
Moylan
Murphy
Nore
Proud
Rasmussen
Richendifer
Savage
Schmit
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Whitney
Wiltse

Voting in the negative, 14:

Anderson
Barnett
Cavanaugh
Chambers
DeCamp
Fellman
Fowler
Kelly
F. Lewis
Luedtke
Marsh
Simpson
Waldron
Warner

Not voting, 1:

Burbach

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and title agreed to.

MOTION—Suspend Rules

Mr. Carpenter moved to suspend the Rules and read the final reading bills set for April 30 that the fiscal staff have listed with no fiscal impact.

The motion prevailed with 35 ayes, 10 nays and 4 not voting.

MOTIONS–Final Reading Bills

Mr. Chambers moved to read all bills on final reading regardless of fiscal impact. The motion lost with 8 ayes, 29 nays and 12 not voting.

Mr. Chambers moved to read the bills on final reading with fiscal impact of less than five million dollars. The motion lost with 13 ayes, 27 nays and 9 not voting.

MOTION–Bracket LB 259

Mr. Chambers moved that LB 259 be bracketed until we return from Easter Vacation.

Mr. Carpenter moved to amend the motion to take LB 259 to General File for amendments.

The Chair ruled the motion out of order.

MOTION–Reconsider Action

Mr. Cavanaugh moved to reconsider action to consider LB 259 today. The motion lost with 12 ayes, 28 nays and 9 not voting.

PRESIDENT MARSH PRESIDING

MOTION–Return LB 259 to Select File

Mr. Goodrich moved to return LB 259 to Select File for the following specific amendments:

1. On page 3, line 7, strike "150,888" both places and insert "202,526"; in line 10, strike "32,122" both places and insert "38,122"; and in line 17, strike "2,851,209" and insert "2,908,847" and strike "2,881,209" and insert "2,938,847".
2. On page 48, lines 13 and 14, strike "2,570,017" and insert "2,716,484" and strike "2,746,180" and insert "2,892,647".
3. On page 13, line 5, strike "542,719" and insert "554,719" and strike "2,102,514" and insert "2,114,514"; after line 5 insert:

"Cash fund expenditures shall not be limited to the amount shown in Column (C) of this subsection."; in line 11, insert "General Fund balance existing on June 30, 1973 in subsection (2) of this section and the unexpended" after "unexpended"; and in line 15, strike "1,313,804" and insert "1,325,804" and strike "5,343,121" and insert "5,355,121".

4. On page 31, line 13, strike "7,380,432" and insert "7,530,432" and strike "19,550,262" and insert "19,700,262"; and on page 32, line 17, strike "10,177,199" and insert "10,327,199" and strike "27,204,664" and insert "27,354,664".

Mr. Mahoney moved the previous question. The question is, "Shall the debate now cease?" The motion prevailed with 34 ayes, 4 nays and 11 not voting.

The Goodrich motion lost with 14 ayes, 30 nays and 5 not voting.

MOTION—Return LB 259 to Committee

Speaker Proud moved to recommit LB 259 to the Budget Committee.

Mr. Syas moved the previous question. The question is, "Shall the debate now cease?" The motion prevailed with 28 ayes, 9 nays and 12 not voting.

The Proud motion lost with 15 ayes, 26 nays and 8 not voting.

MOTION—Return LB 259 to Select File

Mrs. Marsh moved to return LB 259 to Select File for the following specific amendment:

To adopt the Standing Committee amendments found in the Journal on page 1045 for the Sixtieth Day.

Mr. Skarda moved the previous question. The question is, "Shall the debate now cease?" The motion prevailed with 26 ayes, 7 nays and 16 not voting.

Mr. Simpson requested a record vote.

Voting in the affirmative, 18:

Anderson Barnett C. Carsten Cavanaugh Chambers
Dickinson Fowler Goodrich Johnson F. Lewis
Luedtke Maresh Marsh Moylan Murphy
Proud Simpson Stull

Voting in the negative, 24:

Carpenter Clark DeCamp Duis Epke
Fellman Hasebroock Kelly Kennedy Keyes
R. Lewis Mahoney Marvel Nore Rasmussen
Richendifer Savage Schmit Skarda Snyder
Stromer Syas Warner Wiltse

Not voting, 7:

Burbach	F. Carstens	Kime	Kremer	Stahmer
Waldron	Whitney			

The Marsh motion lost with 18 ayes, 24 nays and 7 not voting.

MOTION—Return LB 259 to Select File

Mr. Chambers moved to return LB 259 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. C. Carsten moved the previous question. The question is, "Shall the debate now cease?" The motion prevailed with 30 ayes, 5 nays and 14 not voting.

Mr. Chambers requested a record vote.

Voting in the affirmative, 8:

Anderson	Barnett	Chambers	Dickinson	Fowler
Marsh	Murphy	Proud		

Voting in the negative, 36:

Carpenter	C. Carsten	F. Carstens	Cavanaugh	Clark
DeCamp	Duis	Epke	Fellman	Goodrich
Hasebroock	Kelly	Kennedy	Keyes	Kime
Kremer	R. Lewis	Luedtke	Mahoney	Maresh
Marvel	Moylan	Nore	Rasmussen	Richendifer
Savage	Schmit	Simpson	Skarda	Snyder
Stromer	Stull	Syas	Warner	Whitney
Wiltse				

Not voting, 5:

Burbach	Johnson	F. Lewis	Stahmer	Waldron

The Chambers motion lost with 8 ayes, 36 nays and 5 not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 345. Replaced on Select File as amended.

E & R amendment to LB 345:

1. In line 6 of E & R 4 adopted 4/17/73, strike "declare an emergency" and insert "repeal the original section".

LEGISLATIVE BILL 321. Replaced on Select File as amended.

E & R amendment to LB 321:

1. On page 3, line 1, strike "Teacher" and insert "Teacher's" and insert "Cash" before "Fund".

LEGISLATIVE BILL 510. Replaced on Select File as amended.

E & R amendment to LB 510:

1. In line 3 of the Carpenter amendment 3, adopted 4/18/73, insert "at Lincoln" after "Nebraska".

(Signed) John J. Cavanaugh, Chairman

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 259. With Emergency.

A BILL FOR AN ACT making appropriations for the state government for the period of July 1, 1973 to June 30, 1974; to recite limits and conditions on the expenditure of funds from the appropriations so made; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 33:

Carpenter
F. Carstens
Cavanaugh
Clark
DeCamp
Duis
Epke
Fellman
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Kremer
R. Lewis
Mahoney
Marvel
Moylan
Nore
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Snyder
Stromer
Syas
Waldron
Whitney
Wiltse

Voting in the negative, 15:

Anderson
Barnett
C. Carsten
Chambers
Dickinson
Fowler
F. Lewis
Luedtke
Maresh
Marsh
Murphy
Proud
Stahmer
Stull
Warner

Not voting, 1:

Burbach

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 121, 225, 372, 399, 509 and 522.

Correctly Enrolled

The following bill was correctly enrolled: 268.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed LB 268.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 452. Replaced on Select File as amended.
E & R amendments to LB 452:
1. In the Marvel amendments adopted 4/18/73, page 3, lines 2 and 3, strike "or a combination of both,"; and in line 27, strike the comma.
2. In the Marvel amendments adopted 4/18/73, page 13, line 3, strike the commas.
3. In the original title, strike lines 2 to 16 and all amendments thereto and insert:

"FOR AN ACT relating to data processing; to create the Governmental Services Commission; to transfer the data processing division from the Department of Administrative Services to the commission; to provide for appointments and terms of office; to amend sections 81-1102, 81-1103, and 81-1108, Reissue Revised Statutes of Nebraska, 1943; to prohibit certain contracts; to provide severability; to provide an operative date; to repeal the original sections, and also sections 81-1116 and 81-1117, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.”.

LEGISLATIVE BILL 349. Replaced on Select File as amended.
E & R amendments to LB 349:

1. Insert “or” at the end of line 13, page 5, line 4, page 6, and line 4, page 7.
2. Strike E & R amendments to page 10, lines 1 and 11.
3. On page 14, line 17, insert a comma after “order”.
4. On page 16, line 23, strike the first “a”.
5. On page 17, line 25, insert a comma after “recommendation”.
6. On page 19, line 2, strike the comma.

LEGISLATIVE BILL 506A. Replaced on Select File as amended.
E & R amendment to LB 506A:

1. In the title, line 6, strike “506” and insert “68”.

(Signed) John J. Cavanaugh, Chairman

STANDING COMMITTEE REPORTS
Labor

LEGISLATIVE BILL 543. Indefinitely postponed.

LEGISLATIVE BILL 542. Placed on General File as amended.
Standing Committee amendment to LB 542:

1. On page 7 after line 11 insert:

“City of Nebraska City 1409 Central Avenue Nebraska City, Nebraska 68410	Sewer and paving assessments Agency 33	2,000
City of Kearney Kearney, Nebraska 68847	Paving assessment Agency 50	6,528.00 ”

(Signed) Richard Maresh, Chairman

NOTICE OF COMMITTEE HEARINGS
Constitutional Revision and Recreation

LB 576 Thursday, May 3, 1973 12:45 p.m.

(Signed) George Syas, Chairman

Miscellaneous Subjects

LB 577	Thursday, May 3, 1973	1:00 p.m.

(Signed) J. James Waldron, Chairman

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 578. By Kennedy, 21st District, at the Request of the Governor.

A BILL FOR AN ACT relating to the federal Revenue Sharing Trust Fund; to transfer from the federal Revenue Sharing Trust Fund thirty million dollars to the state General Fund; and to provide for the use of such funds as prescribed.

REFERENCE COMMITTEE REPORT

LB	**Committee**
578	Appropriations

(Signed) Terry Carpenter, Chairman
Executive Board

ATTORNEY GENERAL'S OPINION

Opinion No. 44
April 19, 1973

Senator Richard Maresh
Nebraska State Legislature
State House
Lincoln, NE 68509

Dear Senator:

You ask if L.B. 449 is constitutional. That bill requires that all political subdivisions, as defined in Sec. 23-2102, R. R. S. 1943, fluoridate their water supply for human consumption.

It is our opinion that the bill is constitutional.

No cases were found from any jurisdiction that struck down similar measures. The most recent case found was Alkire v. Cashman, 350 F. Supp. 360 (1972). The Federal District Court in Ohio in that case upheld a statute that made fluoridation mandatory for certain public water works. Plaintiffs alleged, among other things, that the statute violated their rights of privacy, and due process and equal protection which are guaranteed by the First and Fourteenth Amendments of the United States Constitution.

This is what the Court said:

> "If we assume that the ordinances were adopted pursuant to the general police powers of cities incorporated under the laws of Ohio, and in conformity with rules governing their respective political processes, then it is settled in this state that the fluoridation of a municipal water supply is a proper exercise of municipal police powers which does not violate either federal or state constitutional rights. See Kraus v. City of Cleveland, 163 Ohio St. 559, 127 N. E. 2d 609, 57 Ohio O. 1 (1955), appeal dismissed for want of substantial federal question, 351 U. S. 935, 76 S. Ct. 833, 100 L. Ed. 1463 (1956).
>
> "If, on the other hand, we were to accept plaintiffs' theory of the case, we are still of the opinion that the petition fails to raise a justiciable issue. Courts, both state and federal, have held with virtual unanimity that the fluoridation of public water systems does not violate the due process clause or constitutional rights incorporated by that clause of the Fourteenth Amendment to the United States Constitution. See Kraus v. City of Cleveland, supra, appeal dismissed for want of a substantial federal question, 351 U.,S. 935, 76 S. Ct. 833, 100 L. Ed. 1463 (1956); Crawford v. City of Detriot, 389 F. 2d 1001 (C.A. 6, 1968); Chapman v. City of Shreveport, 225 La. 859, 74 So. 2d 142 (1956), appeal dismissed for want of a substantial federal question, 348 U. S. 892, 75 S. Ct. 216, 99 L. Ed. 701 (1954); Readey v. St. Louis County Water Co., 352 S.W. 2d 622 (Mo. 1961), appeal dismissed and cert denied, 371 U.S. 8, 83 S.Ct. 20, 9 L.Ed. 273 P. 2d 859 (Okl. 1954), cert. denied, 348 U. S. 912, 75 S. Ct. 292, 99 L. Ed. 715 (1955); also see, Opinion of Justices, 243 A. 2d. 716 (Del 1968); Schuringa v. Chicago, 30 Ill 2d 504, 198 N. E. 2d 326 (1966); Miller v. Evansville, 247 Ind. 563, 219 N. E. 2d 900 (1966); Baer V. Bend, 206 Or. 221, 292 P. 2d 134 (1956); Birnel v. Fircrest, 53 Wash. 2d 830, 335 P. 2d 819 (1959). * *."

There is annotation on this particular subject in 43 A. L. R. 2d 453.

You also ask if L.B. 449 could be enforced without a penalty provision. The answer is yes. A mandatory injunction action could be filed and if granted then the political subdivision would be required to perform its pre-existing statutory duty to fluoridate the water supply. Also, a writ of mandamus would probably apply. Section 25-2156 R. R. S. 1943, provides that such a writ may be issued to compel performance of an act which the law requires.

In conclusion it is our opinion that L.B. 449 is constitutional and, if passed, it could be enforced.

Very truly yours,

CLARENCE A. H. MEYER
Attorney General

(Signed) James J. Duggan
Assistant Attorney General

JJD:dnj

cc: Vincent D. Brown
Clerk of the Legislature

RESOLUTIONS

LEGISLATIVE RESOLUTION 52.

Introduced by Schmit, 23rd District; Kennedy, 21st District; Dickinson, 31st District; Rasmussen, 41st District; Kime, 43rd district; Maresh, 32nd District; Epke, 24th District; Snyder, 14th District.

WHEREAS, the air, land, and water of Nebraska are clean and pure; and

WHEREAS, it is the interest of all citizens of the state to maintain and improve the quality of air, land, and water; and

WHEREAS, industry, both public and private, contribute to the deterioration of quality of Nebraska air, land, and water; and

WHEREAS, the crisis in energy is so critical that it is in the interest of every citizen of Nebraska to accurately assess the impact of all energency. producing activity upon the air, land, and water of the state; and

WHEREAS, agriculture and the environment are integrally related with air, land, and water use and development.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

That the Committee on Agriculture and Environment conduct an interim study to determine what type of air, land, and water use is best for the state with particular emphasis placed upon development of a land-use plan for the State of Nebraska.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 53.

Introduced by DeCamp, 40th District; Rasmussen, 41st District; Luedtke, 28th District; Barnett, 26th District; Fowler, 27th District; Cavanaugh, 9th District; Fellman, 4th District; Richendifer, 16th District; Simpson, 46th District; Stahmer, 8th District; Keyes, 3rd District; Anderson, 37th District; Moylan, 6th District; Maresh, 32nd District; Dickinson, 31st

District; Marsh, 29th District; Snyder, 14th District; F. Lewis, 45th District; F. Carstens, 30th District; Murphy, 17th District; Kelly, 35th District; Mahoney, 5th District; Burbach, 19th District; Epke, 24th District; Wiltse, 1st District; Hasebroock, 18th District; Johnson, 15th District; Stromer, 36th District; Kremer, 34th District; Whitney, 44th District.

WHEREAS, the Congress of the United States passed PL 91-616, the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970. This act requires:

> Sec. 201 (a) The Civil Service Commission shall be responsible for developing and maintaining, in cooperation with the Secretary and other Federal Agencies and departments, appropriate prevention, treatment and rehabilitation programs and services for alcohol abuse and alcoholism among federal civilian employees, consistent with the purpose of this act. (b) The Secretary acting through the Institute, shall be responsible for fostering similar alcohol abuse and prevention, treatment and rehabilitation programs and services in state and local governments and in private industry; and

WHEREAS, the federal government has made available, and the State of Nebraska has accepted through its Division on Alcoholism, a fifty thousand dollar grant to establish occupational alcoholism programs for state employees and to encourage and assist in the development of employee alcoholism programs in private industry and local governments; and

WHEREAS, the state's comprehensive alcoholism plan provides for the development of occupational alcoholism programs which includes state employees; and

WHEREAS, the state has an opportunity and responsibility to assume a leadership role in the establishment of programs of prevention, treatment and rehabilitation of alcohol abuse and alcoholism.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION

1. That this resolution endorses the concept of an alcoholism program for state employees of the State of Nebraska.
2. That the executive officer of the state be encouraged to issue such directives as will establish the necessary policy and facilitate the development of such a program for state employees of Nebraska.
3. That copies of this resolution duly certified by the Secretary of the Legislature be forwarded to the Governor and to the Division on Alcoholism, Department of Institutions, State of Nebraska.

Laid over.

MOTHERS OF THE YEAR

President Marsh appointed Mrs. Marsh and Messrs. Luedtke and Clark to escort Mrs. Ralph Hill, Chairman of the Mother of the Year Committee and the Mothers of the Year to the rostrum. Mrs. Hill presented Mrs. Jack Stewart, Young Mother of the Year from Sidney and Mrs. Lawrence Enersen, Mother of the Year, from Lincoln.

Mrs. Stewart and Mrs. Enersen spoke to the members briefly.

The Committee escorted the guests from the Chamber.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 259.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bill: 259.

STANDING COMMITTTEE REPORTS

Education

LEGISLATIVE BILL 532. Indefinitely postponed.

LEGISLATIVE BILL 571. Indefinitely postponed.

LEGISLATIVE BILL 472. Placed on General File as amended.
Standing committee amendments to LB 472:

1. On page 2 line 17 strike "three-year" and insert "two-year"; in line 25, after "state" insert ", receipts from the following sources:".

2. On page 3, line 1, strike "and"; and in line 2 strike "except those"; in line 5 strike "tuition"; in line 3, after "program," insert: "(e) public power district sales taxes, (f) in lieu of school fund tax, (g) insurance tax fund, (h) state apportionment, (i) state appropriations for special education, vocational education and drivers education, and (j) other miscellaneous local and county revenue receipts,"; in line 6 strike "and transportation reimbursements"; in line 12 strike "three-fourths of such percentage shall be provided,"; strike line 13; in line 14 strike "years"; and strike lines 20 to 25.

3. On page 4, line 3, strike "1976-77" and insert "1975-76"; strike line 20; in line 21 strike "act, of" and insert "equal to the lesser of the following:

(a) The current expense of the previous year increased by an amount equal to fifty dollars per pupil for the year in which the budget is being established, or (b)".

4. On page 6, after line 3, insert a new section 7 as follows:

"Sec. 7. From the sum calculated pursuant to section 6 of this act, each district shall subtract operating funds obtained from (1) the state under section 5 of this act, (2) the qualifying levy prescribed in section 6 of this act; Provided, operating funds received from that portion of the local tax levy which exceeds the minimum prescribed in section 6 of this act shall be excluded from such computation, (3) tuition, (4) fines, (5) license fees, (6) transportation reimbursements, (7) the Insurance Tax Fund, (8) funds received under the provisions of Chapter 79, article 13, and (9) funds received under the provisions of section 79-4,119.".

5. On page 7 line 6 after the period insert "A total increase in current expense for the 1974-75 school year shall not exceed the lesser of the following: (a) A twelve per cent increase over the 1972-73 school year expenditures, or (b) a five per cent increase over the previous school year expenditures."; in line 8 after "year" insert "thereafter"; in line 14, after "year" insert "as required by section 13 of this act"; and in line 15 strike "1974-77" and insert "1974-76".

6. On page 8, line 7, strike "acts" and insert "rates"; in line 16 strike "funds" and insert "receipts to the Public School Support Trust Fund"; after line 24 insert:

"Sec. 14. The State Department of Education shall promulgate such rules and regulations as shall be necessary to carry out the provisions of this act.".

7. In line 25 strike "12" and insert "14".

8. Renumber original sections 7 to 12 as sections 8 to 13 respectively.

9. On page 9, line 5 strike "1976" and insert "1975".

10. Renumber original sections 13 to 14 as sections 15 and 16 respectively.

(Signed) Jerome Warner, Chairman

VISITORS

President Marsh introduced a group of ENCOR members from Omaha.

President Marsh introduced 37 7th grade students from Henderson Community School, Henderson and teachers Messrs. Larry Jones and Ron Pauls.

President Marsh introduced 16 5th grade students from Filley Consolidated School, Filley and teacher Miss Ruth Rhoads.

President Marsh introduced 52 4th grade students from West and East School, Fairbury and teachers Miss Dorothy Bangert and Mr. Jerry Shedlosky.

President Marsh introduced 26 3rd grade students from Huntington School, Lincoln, 5 mothers and teachers Mmes. Murray and Stachura.

President Marsh introduced 19 Girl Scout Cadets from Omaha and sponsor Mrs. Marge Lichty.

President Marsh introduced 80 4th grade students from Bryan Elementary School, Millard and teachers Mmes. Peterson, Mart, Sojka and Tupper.

President Marsh introduced 26 3rd grade students from Huntington Public School 3, Lincoln, 3 mothers and teacher Mrs. Barnell.

President Marsh introduced 71 4th grade students from G. Stanley Hall School, Papillion and teachers Mmes. Kuicks, Spilker and Miller.

ADJOURNMENT

Mr. Richendifer moved to adjourn until 10:00 a.m., April 30, 1973. The motion prevailed with 27 ayes, 16 nays and 7 not voting.

At 11:49 a.m., the Legislature adjourned until 10:00 a.m., Monday, April 30, 1973.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

SEVENTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 30, 1973

Pursuant to adjournment, the Legislature met at 10:00 a.m., Mr. Whitney presiding.

PRAYER

The prayer was offered by Reverend Everett Franklin Hezmall, Associate Pastor of Westminster Presbyterian Church, Lincoln.

> Eternal God, we believe that our State Legislature is a fulfillment of your divine will; that citizens be governed by laws of justice, freedom and truth.
>
> We give thanks to thee for the office we hold, and for the confidence and trust which the people have imposed in us.
>
> Grant us wisdom to choose the right and courage always to do it. Save us from a vindictive spirit when we feel our plans go wrong.
>
> Keep us at the center of truth that we may work with peace of mind. Inspire our insights that they shall be broad enough in perspective to affirm in our plans and decisions that no city or state lives unto itself, but is accountable to its larger relationships.
>
> Grant that the good we work to achieve for our own constituency shall be good for the other also. Rescue us when our vision grows dim and uphold us when we see clearly your loving will and purpose for the betterment of your children, through Jesus Christ our Lord. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Burbach who was excused and Mr. Chambers who was absent until 11:00 a.m.

CORRECTIONS FOR THE JOURNAL

On page 1377, after line 18, insert "Strike section 1 and insert:".
The Journal for the Seventy-First Day was approved as corrected.

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on April 19, 1973 at 1:45 p.m.: LB 259 and LB 268.

(Signed) Barbara Jackson, Enrolling Clerk

MESSAGES FROM THE GOVERNOR

April 19, 1973

Mr. Vince Brown
Clerk of the Legislature
State House
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bill 60.

This bill was signed by me on April 19, 1973 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:do

April 20, 1973

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bill No. 268.

This bill was signed by me on April 20, 1973 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

April 23, 1973

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Reengrossed Legislative Bills Nos. 36, 488, and 492, and Engrossed Legislative Bills Nos. 22, 68, 68A, 73, 86, 145, 148, 164, 193, 207, 257, 258, 265, 290, 307, 319, 319A, 332, 353, 357, 364, 374, 408, 413, 414, 415, 436, 443, 455, 475, 480, 482, 498, 501, 503, 517, 518, 519, 521, and 546.

These bills were signed by me on April 21, 1973 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

April 24, 1973

Mr. President, Mr. Speaker, and
Members of the Nebraska Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

I return herewith LB 179 without my signature and with my objections.

First, it should be recognized that the Legislature in passing this bill provided no funds whatsoever for even routine maintenance and related expenses at the proposed new University facility at Scottsbluff. This is hardly a realistic or prudent action in itself. It is difficult to see how the University could immediately accept any physical plant without at least funds for insurance, surveillance, and upkeep.

After thoughtful consideration of all of the implications embodied in LB 179, it is my position that the contemplated acquisition of all or parts of the former Hiram Scott College facilities by the University requires further planning, study and consideration before possible final approval of the Legislature. Herewith I am detailing some of the problems that deserve attention and suggest consideration by all before we proceed.

From the beginning of the development of this proposal, I have cautioned that approval should be based primarily on the University coming forward with a plan that would prove the need of such expansion and outline curriculum that would not merely be a duplication of existing educational opportunities. This has not been done. Generalities have been expounded but hard facts in this area are non-existant. The sound business-like approach has been abandoned for expediency. Certainly the University's five-year plan must be re-evaluated before we proceed since the Scottsbluff addition was not envisioned therein.

I support the serious consideration for the Scottsbluff proposal based on where and if it fits into our overall future educational needs.

Here is an example of how we are lacking in some form of overall coordinating body for post secondary education in Nebraska. Nebraska remains one of only three states without any such guidelines. At a time when we are just launching an expansive two year college system, it appears that we may be attempting to move without due consideration.

The proposed addition at Hiram Scott will have to be considered with and compete for educational funding with not only the rest of the University system but the state's other institutions of higher learning.

I urge consideration of the following concerns and facts that we all must view as we plan for the future.

First, I direct the attention of all to the recently released detailed report and projections by the Nebraska Higher Education Facilities Commission. Please note that the birth rate in Nebraska has plunged from approximately 34,000 per year in 1961 to 23,000 in 1972 and a further downward trend is predicted. This drop in the birth rate has already begun to have a significant effect on our elementary enrollments.

The report further indicates a peaking of graduating high school seniors in 1978 and a heavy drop in such graduates immediately thereafter.

Second, while the University system enrollment seems to have stabilized after years of rapid growth, we are currently experiencing a significant decline in enrollment at our state colleges, and in some of Nebraska's non-public colleges. Dormitory bond financing at some institutions is in potential future difficulty.

With this picture, as much as all of us appreciative of the wonderful opportunities, generosity and efforts of those sincerely interested in the Scottsbluff addition, we must chart our course carefully.

When we plan for the future, we must recognize that western Nebraska with its excellent environment and recreational facilities is most attractive and with the pioneer spirit of its residents holds great promise for unlimited development potential. We should consider these obvious facts and incorporate them into our deliberations.

Yet, let us recognize that the offer of some free land and buildings which have recently been professionally appraised at less than $1 million at Hiram Scott is not the critical test as to whether or not the University should expand westward. As appreciative as the State and the University are for such an attractive proposal, we should realize that such an offer does not, in and of itself, justify the proposition.

If and when the University accepts such a gift, it should be forthrightly recognized that staff, administration, and related expenses are the major multi-million dollar expenditures that would be faced in the future.

May I suggest that the cart may have been placed in front of the horse to date on some considerations on this matter.

It should be understood by all, without equivocation, that no dormitories or food service facilities whatsoever are incorporated in the suggested donation.

Before we proceed, I suggest that:

1. A detailed and realistic workable plan should be developed.
2. The considerations should include how many students, from where, and taking what specified and limited courses as LB 179 contemplates.
3. The possible availability of gainful and constructive employment in Nebraska of such trained students.
4. What specific agricultural programs will be researched and taught.
5. What will the realistic costs be projected at least five years into the future.

Contrary to assumptions to date, the possible acquisition of the dormitory and food service facilities currently obligated to bond holders by more than $4 million should be resolved before any final determination on the Hiram Scott proposal. It has been assumed these key facilities can be obtained "later" at a fraction of their present indebtedness.

The future financing of higher education in the state should not and must not be interlaced with the enhancement of the equity of private bondholders on the now defunct former private institution. From the information made available to me, it would appear obvious that if the University detailed studies prove the plan feasible on a long-range basis, the dormitory and food service buildings issue should be first resolved.

In this message I have attempted to put the matter into perspective so that all can proceed with objectivity as to what the proper course should be.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

April 25, 1973

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bill No. 259.

This bill was signed by me on April 25, 1973 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 226. Replaced on Select File as amended.
E & R amendments to LB 226:

1. In line 3 of E & R 6, strike the third comma.
2. In line 6 of E & R 9, strike the comma.

LEGISLATIVE BILL 321A. Replaced on Select File as amended.
E & R amendment to LB 321A:

1. On page 2, lines 3 and 13, and in the title, line 3, strike "Cash".

LEGISLATIVE BILL 497. Replaced on Select File as amended.
E & R amendment to LB 497:

1. On page 17, line 18, strike the period and insert a semicolon.

LEGISLATIVE BILL 494. Replaced on Select File as amended.
E & R amendments to LB 494:

1. In line 5 of E & R amendment 5, strike "after" and insert "before".
2. On page 9, line 21, strike "to".
3. In section 33, line 1, insert "state" after "the".

LEGISLATIVE BILL 474. Replaced on Select File as amended.
E & R amendment to LB 474:

1. In line 4 of E & R 3, insert an underscored period after "25-1094".

LEGISLATIVE BILL 454. Placed on Select File as amended.
E & R amendments to LB 454:

1. In lieu of standing committee amendment 1, on page 10, line 5, strike "three or more" and insert "~~three or more~~ apportionable".

2. In lieu of standing committee amendment 2, on page 12, line 14, strike "three or more" and insert "~~three or more~~ apportionable"; and strike beginning with the comma in line 14 through the comma in line 15 and show as stricken.

3. On page 7, line 15, strike the comma.

4. In standing committee amendment 5, line 13, insert "an" after the second "of".

5. On page 2, line 2, insert ", as amended by section 1, Legislative Bill 415, Eighty-third Legislature, First Session, 1973" after "1972"; on page 5, line 25, insert "or used occasionally to carry camper units," after the comma; and on page 6, line 26, insert ", but farm trailer shall not include a trailer so used when attached to a farm tractor" after "X".

6. On page 7, line 22, insert ", as amended by section 1, Legislative Bill 489, Eighty-third Legislature, First Session, 1973" after "1943"; and on page 8, lines 25 and 26 strike "Motor Vehicles" and insert "Roads shall act as an agent for the Department of Motor Vehicles in collecting such fees and".

7. On page 16, strike lines 3 to 5 and insert:

"Sec. 4. That original section 60-305.09, Revised Statutes Supplement, 1972, section 60-305.03, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 489, Eighty-third Legislature, First Session, 1973, and section 60-301, Revised Statutes Supplement, 1972, as amended by section 1, Legislative Bill 415, Eighty-third Legislature, First Session, 1973,".

8. In the title, strike lines 2 to 5 and insert:

"FOR AN ACT to amend section 60-305.09, Revised Statutes Supplement, 1972, section 60-305.03, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 489, Eighty-third Legislature, First Session, 1973, and section 60-301, Revised Statutes Supplement, 1972, as amended by section 1, Legislative Bill 415, Eighty-third Legislature, First Session, 1973, relating to motor vehicles;".

LEGISLATIVE BILL 266. Placed on Select File as amended.
E & R amendments to LB 266:

1. In the standing committee amendment, line 2, strike the comma.

2. On page 5, insert an underscored comma after "malformation" in line 6 and "impediment" in line 12.

3. On page 10, line 2, insert an underscored comma after "organization".

4. On page 2, line 25, page 18, line 21, and in the title, line 7, insert ", as amended by section 2, Legislative Bill 265, Eighty-third Legislature, 1973" after "1972"; and on page 3, line 7, strike "twenty-five" and insert "fifteen"; and on page 3, strike beginning with "that" in line 16 through line 24.

LEGISLATIVE BILL 55. Placed on Select File as amended.
E & R amendments to LB 55:

1. In standing committee amendment 1, strike the period in line 3.
2. On page 2, lines 2 and 23, and in the title, line 3, insert ", as amended by section 4, Legislative Bill 498, Eighty-third Legislature, First Session, 1973" after "1943"; on page 2, insert "An employee may retire as a result of disability at any age." at the end of line 9; and on page 2, line 16, insert ", except that disability retirement benefits shall be paid from the date of disability as determined by the board" after "date".
3. In the title, line 5, strike "sixty-five" and insert "seventy-two".

Correctly Engrossed

The following bills were correctly engrossed: 75, 294, 297, 320, 333, 338, 340, 368, 370, 422, 481, 487, 493, 506, 540, 547, and 572.

(Signed) John J. Cavanaugh, Chairman

STANDING COMMITTEE REPORTS
Nebraska Retirement Systems

LEGISLATIVE BILL 136. Indefinitely postponed.

LEGISLATIVE BILL 423. Placed on General File as amended.
Standing Committee amendments to LB 423:

1. On page 2, line 20, strike the new matter and reinstate the stricken matter.
2. On page 5, line 6, insert "and" after the comma ; in line 7 strike "and retirement benefits"; and in line 21 strike the new matter and reinstate the stricken matter.
3. On page 7, line 8, strike "nine" and insert "six".
4. Insert a new section to read:

"Sec. 5. The State Board of Technical Community Colleges and any area board may provide benefits for all present and future employees including group life insurance, group hospital-medical insurance, and group long-term disability income insurance.

5. Renumber original section 5 as section 6.

6. On page 8, line 12, insert ", and also section 79-1624, Reissue Revised Statutes of Nebraska, 1943" after "1972".

LEGISLATIVE BILL 516. Placed on General File as amended.
Standing Committee amendments to LB 516:

1. On page 2, line 3 strike "including" and insert "excluding"; in line 5 after "program" insert "shall be known as the Nebraska State Insurance Program and" ; in lines 12 to 14 strike "shall employ such clerical, secretarial, and technical assistants" and insert "may employ such clerical, secretarial, and technical assistants, and consultants" ;in line 16, strike "Director of Personnel" and insert "Department of Insurance"; and at the end of line 19 insert "Such selection shall be made after open competitive bidding in which any carrier authorized to provide the type or types of insurance coverage involved shall be eligible to participate. The Department of Insurance may utilize such expert technical assistance provided by other state agencies or outside consultants as may be required to establish and evaluate criteria for selection of carriers. The insurance contract or contracts may be subject to rebidding at any time after the inception of this program at the discretion of the Department of Insurance."

2. On page 3, line 2 strike "shall" and insert "or contracts may"; in line 10 strike "shall" and insert "or contracts may" ; in line 11 after "medical" insert "insurance over and above any provided by the basic coverage specified in section 4 of this act"; in line 23 after "employee" insert "commencing at the beginning of the first pay period" ; and at the end of line 25 insert "The insurance coverages provided by this act shall be totally independent of one another and the loss experience and the rates for the various coverages shall be maintained separate and apart from one another."

3. On page 4, line 2 strike "5" and insert "1, 5," ; and in lines 8 and 11,strike "month" and insert "pay period".

(Signed) Ramey C. Whitney, Chairman

UNANIMOUS CONSENT—LB 172

Mr. F. Lewis asked unanimous consent to bracket LB 172 on General File for Wednesday, May 2. No objections. So ordered.

UNANIMOUS CONSENT—Member Excused

Mr. Fellman asked unanimous consent to be excused May 2, 3 and 4. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 220.

A BILL FOR AN ACT to amend section 80-407, Reissue Revised Statutes of Nebraska, 1943, and sections 23-1114 and 23-1114.02 to 23-1114.07, Revised Statutes Supplement, 1972, relating to county government and officers; to provide for payment of salaries of appointive full-time veterans' service officers on the same basis as elected county officials; to provide for confirmation of appointments; to delete obsolete matter; and to repeal the original sections.

Whereupon the President stated stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Anderson Barnett C. Carsten F. Carstens Cavanaugh
Clark DeCamp Duis Epke Fellman
Fowler Goodrich Hasebroock Johnson Kelly
Kennedy Keyes Kime Kremer F. Lewis
R. Lewis Luedtke Mahoney Maresh Marsh
Marvel Moylan Nore Proud Rasmussen
Richendifer Savage Schmit Simpson Skarda
Snyder Stahmer Stromer Stull Syas
Waldron Warner Whitney Wiltse

Voting in the negative, 0.

Not voting, 5:

Burbach Carpenter Chambers Dickinson Murphy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 244.

A BILL FOR AN ACT relating to counties; to provide for payment to the county treasurer for certain services pursuant to agreement.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Barnett C. Carsten F. Carstens Cavanaugh Clark
DeCamp Duis Epke Fellman Fowler

Goodrich Hasebroock Johnson Kelly Kennedy
Keyes Kime Kremer F. Lewis R. Lewis
Luedtke Mahoney Maresh Marsh Marvel
Moylan Nore Proud Rasmussen Richendifer
Savage Schmit Simpson Skarda Snyder
Stahmer Stromer Syas Waldron Whitney
Wiltse

Voting in the negative, 3:

Anderson Stull Warner

Not voting, 5:

Burbach Carpenter Chambers Dickinson Murphy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 397.

A BILL FOR AN ACT to amend sections 66-404 and 66-609, Reissue Revised Statutes of Nebraska, 1943, and section 66-428, Revised Statutes Supplement, 1972, relating to motor fuel dealers' bonds; to change certain security requirements; to correct defective language; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Anderson Barnett C. Carsten F. Carstens Cavanaugh
Clark DeCamp Dickinson Duis Epke
Fellman Fowler Goodrich Hasebroock Johnson
Kelly Kennedy Keyes Kime Kremer
F. Lewis R. Lewis Luedtke Mahoney Maresh
Marsh Marvel Moylan Murphy Nore
Proud Rasmussen Richendifer Savage Schmit
Simpson Skarda Snyder Stahmer Stromer
Stull Syas Warner Whitney Wiltse

Voting in the negative, 0.

Not voting, 4:

Burbach Carpenter Chambers Waldron

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 411.

A BILL FOR AN ACT relating to insurance; to define terms; to provide for licensing of insurance consultants; and to provide for penalties.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Anderson
Barnett
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Clark
DeCamp
Duis
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Kremer
F. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Nore
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Snyder
Stahmer
Stromer
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 7:

Burbach
Chambers
Dickinson
Epke
R. Lewis
Stull
Syas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 469. With Emergency.

A BILL FOR AN ACT relating to state employment; to provide for vacation leave time for state employees; to repeal section 81-116, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 80, Eighty-third Legislature, First Session, 1973; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Anderson Barnett Carpenter C. Carsten F. Carstens
Cavanaugh Clark DeCamp Dickinson Duis
Epke Fellman Fowler Goodrich Hasebroock
Johnson Kelly Kennedy Keyes Kime
Kremer F. Lewis R. Lewis Luedtke Mahoney
Maresh Marsh Marvel Moylan Murphy
Nore Proud Rasmussen Richendifer Savage
Schmit Simpson Skarda Snyder Stahmer
Stromer Stull Syas Waldron Warner
Whitney Wiltse

Voting in the negative, 0.

Not voting, 2:

Burbach Chambers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 491. With Emergency.

A BILL FOR AN ACT to amend section 39-723.05 and 39-1351, Reissue Revised Statutes of Nebraska, 1943, and sections 39-719, 39-720, 39-723.06, and 39-723.07, Revised Statutes Supplement, 1972, relating to highways; to change maximum height, width, and load provisions; to change the time to apply for prequalification; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Anderson Barnett Carpenter C. Carsten F. Carstens
Cavanaugh Clark DeCamp Dickinson Duis
Epke Fellman Fowler Goodrich Hasebroock
Johnson Kelly Kennedy Keyes Kime
Kremer F. Lewis R. Lewis Luedtke Mahoney
Maresh Marsh Marvel Murphy Nore
Proud Rasmussen Richendifer Schmit Simpson
Skarda Snyder Stahmer Stromer Stull
Syas Warner Whitney Wiltse

Voting in the negative, 0.

Not voting, 5:

Burbach
Chambers
Moylan
Savage
Waldron

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 504.

A BILL FOR AN ACT to amend sections 25-1240, 25-1242, 25-1267.01, 25-1267.04, 25-1267.05, 25-1267.10, 25-1267.12, 25-1267.19, 25-1267.25, 25-1267.34, and 25-1267.35, Reissue Revised Statutes of Nebraska, 1943, and sections 25-1222.02 and 25-1267.23, Revised Statutes Supplement, 1972, relating to court procedure; to provide for the presentation of deposition testimony by videotape; to provide rules and procedures for taking depositions by videotape; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Anderson
Barnett
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Clark
DeCamp
Dickinson
Duis
Epke
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Kremer
F. Lewis
R. Lewis
Luedtke
Maresh
Marsh
Marvel
Moylan
Murphy
Nore
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 3:

Burbach
Chambers
Mahoney

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 511. With Emergency.

A BILL FOR AN ACT relating to public welfare; to create a Division of

Social Services; to provide for administration of public assistance as prescribed; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Anderson Barnett Carpenter C. Carsten F. Carstens
Cavanaugh Chambers DeCamp Dickinson Duis
Epke Fellman Fowler Goodrich Hasebroock
Johnson Kelly Kennedy Keyes Kime
Kremer R. Lewis Luedtke Maresh Marsh
Marvel Moylan Murphy Proud Rasmussen
Richendifer Savage Schmit Simpson Skarda
Snyder Stahmer Stromer Stull Syas
Waldron Warner Whitney Wiltse

Voting in the negative, 1:

Nore

Not voting, 4:

Burbach Clark F. Lewis Mahoney

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 541. With Emergency.

A BILL FOR AN ACT to amend section 16-622, Revised Statutes Supplement, 1972, relating to cities of the first class; to change the manner in which special assessments become delinquent; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Anderson Barnett Carpenter C. Carsten F. Carstens
Cavanaugh Chambers DeCamp Dickinson Duis
Epke Fellman Fowler Goodrich Hasebroock
Johnson Kelly Kennedy Keyes Kime
Kremer F. Lewis Luedtke Mahoney Marsh

Marvel Moylan Murphy Nore Proud
Rasmussen Richendifer Savage Schmit Simpson
Skarda Snyder Stahmer Stromer Stull
Syas Waldron Warner Whitney Wiltse

Voting in the negative, 0.

Not voting, 4:

Burbach Clark R. Lewis Maresh

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

UNANIMOUS CONSENT–Unbracket LB 180

Mr. R. Lewis asked unanimous consent to unbracket LB 180 on Final Reading. No objections. So ordered.

MOTION–Return LB 180 to Select File

Mr. Barnett moved to return LB 180 to Select File for the following specific amendments:

1. On page 2, line 13, insert "protection equipment devices, materials, furnishings, and other safeguards within the structure," after the first comma; and in line 13, strike "and the" and show the same as stricken.
2. On page 2, strike beginning with "from" in line 14 through "hospitals" in line 16, showing the same as stricken and insert "in assembly, educational, institutional, residential, mercantile, office, storage, industrial-type occupancies" after the second comma.

Mr. Barnett moved for a Call of the House. The motion lost with 19 ayes, 19 nays and 11 not voting.

The Barnett motion lost with 18 ayes, 20 nays and 11 not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 180. With Emergency.

A BILL FOR AN ACT to amend section 81-502, Revised Statutes Supplement, 1972, relating to the State Fire Marshal; to repeal the Life

Safety Code; to provide for rules and regulations; to provide procedures; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 24:

Anderson
Carpenter
F. Carstens
Clark
DeCamp
Dickinson
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Kremer
R. Lewis
Maresh
Marvel
Moylan
Murphy
Nore
Proud
Rasmussen
Savage
Schmit
Skarda
Wiltse

Voting in the negative, 21:

Barnett
C. Carsten
Cavanaugh
Chambers
Duis
Epke
Fellman
Fowler
Keyes
Kime
F. Lewis
Luedtke
Marsh
Richendifer
Simpson
Snyder
Stahmer
Stromer
Stull
Waldron
Warner

Not voting, 4:

Burbach
Mahoney
Syas
Whitney

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed with the emergency clause attached, the question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 27:

Anderson
Carpenter
F. Carstens
Clark
DeCamp
Dickinson
Duis
Epke
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Kremer
R. Lewis
Maresh
Marvel
Moylan
Nore
Proud
Rasmussen
Savage
Schmit
Skarda
Syas
Whitney
Wiltse

Voting in the negative, 16:

Barnett
C. Carsten
Cavanaugh
Chambers
Fellman
Fowler
Keyes
Luedtke
Marsh
Richendifer
Simpson
Snyder
Stahmer
Stromer
Waldron
Warner

Not voting, 6:

Burbach Kime F. Lewis Mahoney Murphy
Stull

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

MOTION—Return LB 522 to Select File

Mr. Kremer moved to return LB 522 to Select File for the following specific amendment:

Add the emergency clause.

The motion prevailed with 30 ayes, 0 nays and 19 not voting.

SELECT FILE

LEGISLATIVE BILL 522. The Kremer specific amendment found in this day's Journal was adopted with 31 ayes, 0 nays and 18 not voting.

Advanced to E & R for Re-engrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 54.

Introduced by Fellman, 4th District.

WHEREAS, the Federal government is now allocating to the State of Nebraska and its political subdivisions general revenue sharing funds in accordance with the State and Local Fiscal Assistance Act of 1972, and

WHEREAS, the Federal government is considering proposals for special revenue sharing in major areas of governmental responsibility, and

WHEREAS, the allocation of general and special revenue sharing funds will require new forms of cooperation between the State of Nebraska, its political subdivisions and the Federal government, and

WHEREAS, the broader discretion in suballocating Federal funds under general and special revenue sharing requires expanded and more effective governmental capabilities in the State of Nebraska and its political subdivisions, and

WHEREAS, the expansion of Federal general and special revenue sharing programs and the termination of Federal categorical grant in aid programs and State programs predicated upon them will occur over a period of years during which the State and local subdivisions will operate in overlapping program systems.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1) That the Legislature of the State of Nebraska establish an interim study committee to study the State's decision making capabilities to respond to the requirements and potentialities of Federal revenue sharing, which study would have as its purposes:

> a. To identify the requirements for planning, programming, budgeting and information dissemination processes which aid in establishing public priorities and orderly schedules for achieving public programs.
>
> b. To determine the adequacy of the State government organization and staffing for operation under Federal general and special revenue sharing programs.
>
> c. To identify opportunities for the State government to assist its political subdivisions to improve organizational and managerial capabilities to participate in revenue sharing programs.
>
> d. To identify improvements in the operation of the legislature and its committees in relation to revenue sharing, particularly the arrangements for levying taxes, estimating revenues and handling the Executive budget.
>
> e. To forecast requirements under general and special revenue sharing programs for cooperation with adjoining states in the Great Plains area and participation in multi-state operations.
>
> f. To evaluate the statutes of Nebraska with a view to facilitating the blending of Federal general and special revenue sharing funds with the revenues of the State of Nebraska.

2) That the help of the Office of the Legislative Fiscal Analyst, the Budget Committee of the Legislature, the Legislative Council Budget Committee and the Department of Administrative Services be solicited and, with their consent, utilized by the committee as it should deem appropriate.

3) That the committee make its report to the next session of the legislature with its recommendations.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 55.

Introduced by Keyes, 3rd District.

WHEREAS, there are some indications that railroad companies in the State of Nebraska presently own and operate branch rail lines in this state which handle insufficient traffic to pay the costs of maintenance and operation of such lines; and

WHEREAS, the failure of such branch lines to generate sufficient traffic to pay their costs of maintenance and operation raises the strong probability of their immediate or eventual abandonment; and

WHEREAS, it is in the public interest to anticipate such abandonments and the State should study and explore the economic feasibility of acquiring, for highway or other purposes, the rights-of-way underlying such branch lines.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

That an interim study be undertaken by an appropriate committee of the Legislature to determine (1) which branch lines of railroads operating in this State have insufficient traffic to pay the costs of their maintenance and operation, and (2) the desirability and feasibility of the State's acquiring the railroad rights-of-way underlying such lines in the event they are abandoned for possible use by the State for road and highway location and for other purposes.

Referred to the Executive Board.

UNANIMOUS CONSENT—Print in Journal

Mr. Fellman asked unanimous consent to have the following amendments to LB 358 and LB 127 printed in the Journal. No objections. So ordered.

Amendments to LB 358:

1. Insert two new sections to read:

"Section 1. That section 79-488, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-488. All boards of education and the governing authority of any nonpublic school in this state shall cause all school buses, whether owned by the district or school or not, to be inspected before school shall open in the fall and each eighty days during that part of the year when school is in session, by a qualified motor vehicle mechanic appointed by the board of education or governing authority and approved by the county superintendent or district superintendent; Provided, that any bus that has been inspected under rules and regulations of the ~~State Railway~~ Public Service Commission shall be exempted from the provisions of this section. The mechanic shall thoroughly inspect every bus as to brakes, lights, windshield wipers, window glass, tires, doors, heaters, defrosting equipment, steering gear, and the mechanical condition of every part of such bus bearing upon the safety thereof as a means of transportation. Within five days after such inspection, the mechanic shall make a report of his inspection in writing on regular forms provided by the State Department of Education which shall show the work done, and file one copy of such report with the owner if other than the school district or school, and one copy with the board of education or governing authority using such bus to transport pupils, and also file one copy with the county superintendent or district superintendent and the State Department of Education.

All such boards of education and governing authorities shall also cause such buses to be inspected at least twice during each calendar year by the Nebraska State Patrol. The Nebraska State Patrol shall thoroughly inspect every bus as to brakes, lights, windshield wipers, window glass, tires, doors, heaters, defrosting equipment, steering gear, and the mechanical condition of such bus bearing upon the safety thereof as a means of transportation. Within five days after such inspection, the Nebraska State Patrol shall make a report of its inspection in writing, and file one copy of such report with the board of education or governing authority and file one copy with the State Department of Education. If any inspection required by the provisions of this section discloses any defect in equipment bearing upon the safety of a bus as a means of transportation and the defect is not corrected within twenty-four hours after discovery, the bus shall immediately be removed from service until such defects are corrected to the satisfaction of a law enforcement officer. Failure to remove such bus from service shall constitute a misdemeanor, and~~,~~ any person guilty thereof shall, upon conviction thereof, be punished by a fine of not less than ten nor more than one hundred dollars. Such conviction shall be grounds for dismissal of any employee.

Sec. 2. That section 79-488.06, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-488.06. Any person operating a school bus, including any school bus which transports pupils by direct contract with the pupils or their parents and not owned by or under contract with the school district or nonpublic school, before the opening of a school term or before operating a school bus, shall each year submit himself to (1) an examination, to be conducted by a driver's license examiner of the Department of Motor Vehicles, to determine his qualifications to operate such bus, and (2) an examination by a licensed physician to determine whether or not he meets the physical and mental standards established pursuant to subdivision (12) of section 79-328, and shall furnish to the board of education and the Director of Motor Vehicles a written report of each such examination on standard forms prescribed by the State Department of Education, signed by the person conducting the same, showing he is qualified to operate a school bus and that he meets the physical and mental standards. If the Director of Motor Vehicles determines that he is so qualified and meets such standards, a special school bus operator's permit in such form as the director shall prescribe shall be issued to him. No contract shall be entered into until such permit shall have been received and exhibited to the board of education or the governing authority of a nonpublic school. The holder of such permit shall have it on his person at all times while operating a school bus. It shall be unlawful for any person operating a school bus to be or remain on duty for a longer period than sixteen consecutive hours. When any person operating a bus shall have been continuously on duty for sixteen hours, he shall be relieved and not be permitted or required to again go on duty without having at least ten consecutive hours' rest off duty, and no such operator, who has been on duty sixteen hours in the aggregate in any twenty-four hour period, shall be required or permitted to continue or again go on duty without having had at least eight consecutive hours off duty. Any person violating the provisions of this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not less than twenty-five nor more than one hundred dollars, and the contract canceled as provided in subdivision (12) of section 79-328.".

2. Renumber original sections 1 to 3 as sections 3 to 5.

3. On page 3, line 16, strike "section" and insert "sections 79-488, 79-488.06, and".

Amendments to the amendments to LB 127:

1. On page 22, section 17, delete paragraphs 1 and 2 and renumber remaining paragraphs.

2. On page 25, section 20, delete sections 1 and 3 and renumber remaining paragraphs.

3. On page 28, section 26, line 18, change 11 cents to 25 cents and on line 21, change 25 cents to 50 cents.

Mr. Stahmer asked unanimous consent to print the following amendments to LB 286 in the Journal. No objections. So ordered.

1. In section 1, line 7 strike "The Legislature further finds that the lack of experience"; strike lines 8 to 13; and renumber original subdivision (3) as subdvision (2).

2. In section 2, strike subdivision (1) and insert

"(1) Abortion shall mean the expulsion of a fetus from the uterus of a pregnant woman before the fetus is viable;".

3. In section 2, strike subdivision (7) and insert:

"(7) Viable shall mean that stage of development when the fetus is capable of meaningful life under normal conditions outside the uterus; and".

4. Strike section 5.

5. Strike section 6 and insert:

"Sec. 6. No abortion procedure or act shall be employed or prescribed unless:

(1) Such abortion is performed within the first three months of the pregnancy upon the decision of the pregnant woman and her physician in accordance with accepted medical procedures.

(2) Such abortion is performed after the first three months of the pregnancy and prior to viability of the fetus only in a licensed hospital by a licensed physician in accordance with accepted medical procedures. After viability of the fetus, intentional termination of pregnancy may not be carried out or attempted unless it is necessary for the preservation of the life of the fetus or of the life or physical or mental health of the mother. Any such procedure shall be performed only by a licensed physician, in a licensed hospital, and in accordance with accepted medical procedures.".

6. In section 7 line 2, strike "or 6".

7. Renumber original sections 6 to 8 as sections 5 to 7 respectively.

8. Strike section 9.

9. In section 10, line 2, strike "8 and 9" and insert "7".

10. In section 15, lines 2 and 4, strike "14" and insert "12".

11. Renumber original sections 10 to 15 as sections 8 to 13 respectively.

12. Strike sections 16 and 17.

13. Strike section 18 and insert:

"Sec. 18. Whoever shall sell, transfer, distribute, or give away any living fetus or fetuses for any form of experimentation shall, upon conviction thereof, be punished by a fine of not more than one thousand dollars, or by imprisonment in the county jail for a period of not more than one year, or by both such fine and imprisonment. Any person consenting, aiding, or abetting such sale, transfer, distribution, or other unlawful disposition of a fetus or fetuses, shall be punished by a fine of not more than one thousand dollars, or by imprisonment in the county jail for a period of not more than one year, or by both such fine and imprisonment.".

14. In section 19, line 17 strike "and"; in line 18 strike the period and insert "; and

(11) The length and weight of the fetus when measurable.".

15. Renumber original sections 18 to 22 as sections 14 to 18 respectively.

NOTICE OF COMMITTEE HEARING

Agriculture and Enviroment

LB 378(reset) Monday, May 7, 1973 8:00 a.m.

(Signed) Loran Schmit, Chairman

STANDING COMMITTEE REPORTS

Public Works

LEGISLATIVE BILL 87. Replaced on General File as amended.
Standing Committee amendments to LB 87:
(Re-advanced to General File with the original amendments found on pages 648 and 649 of the Legislative Journal.)

(Signed) Maurice A. Kremer, Chairman

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 579. By Fellman, 4th District, at the Request of the Governor.

A BILL FOR AN ACT making reappropriations for the period July 1, 1973 to June 30, 1974, for construction, repair, and improvement of state buildings as prescribed; to define terms; to cite limits and conditions on the expenditure of funds; and to declare an emergency.

UNANIMOUS CONSENT–Bracket LB 238

Mr. Wiltse asked unanimous consent to bracket LB 238 on General File indefinitely. No objections. So ordered.

VISITORS

Mr. Whitney introduced Mr. Godfrey A. K. Bonsu, Election Commissioner of Ghana, West Africa with escorts Mr. John Buckwalter of New York and Mr. William Fager of Lincoln.

Mr. Whitney introduced 38 4th grade students, 2 mothers and teachers Mrs. Brunick, Miss Gibbs and Miss Loftis from Millard Public School, Millard.

Mr. Whitney introduced 30 6th, 7th and 8th grade students, 4 mothers and teacher Mr. Stanley Fehlhafer from Zion Lutheran School, St. Libory.

Mr. Whitney introduced 25 5th thru 8th grade students from Newport Public School, Newport, 4 parents and teacher Mrs. Wayne Peterson.

RECESS

At 12:00 noon on a motion by Mr. Syas, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:00 p.m., Mr. Whitney presiding.

The roll was called and all members were present except Mr. Burbach who was excused.

MOTION—Suspend Rules

Mr. Chambers moved to suspend the Rules and introduce a new bill.

MESSAGE FROM THE GOVERNOR

April 30, 1973

Having observed the actions of the Legislature in some detail and having reconsidered several of my previous thoughts I am now of the firm opinion that your body is acting in the best interests of the people.

I commend each and every one of you for your devotion to duty and for your tireless efforts on behalf of the taxpayer.

At the same time I would be remiss in my duty if I did not remind you and impress upon you the fact you are making the manificent salary of $400.00 per month or that is to say $4800.00 per annum. This does seem a bit high. Now, I realize that the governor's salary is more than five times this amount but, after all the governor does work hard and is very busy cutting red tape and ribbons.

Therefore, it is my best judgment that a bill be introduced reducing your salary by one-half and increasing the governor's salary by one-half.

Respectfully submitted,

(Signed) Richard F. Proud
Acting Governor

The Chambers motion to suspend the Rules and introduce a new bill lost with 12 ayes, 30 nays and 7 not voting.

SELECT FILE

LEGISLATIVE BILL 445. E & R amendments found in the Journal on page 1303 for the Seventieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 515. E & R amendments found in the Journal on page 1342 for the Seventieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 402. E & R amendment found in the Journal on page 1343 for the Seventieth Day was adopted.

Advanced to E & R for Re-engrossment.

LEGISLATIVE BILL 378. Mr. Rasmussen asked unanimous consent to withdraw his pending amendments found in the Journal on page 1364 for the Seventieth Day. No objections. So ordered.

Failed to be re-advanced to Final Reading with 22 ayes, 9 nays and 18 not voting.

Mr. Carpenter moved to return LB 378 to the Agriculture and Environment Committee for a re-hearing. The motion prevailed with 33 ayes, 0 nays and 16 not voting.

LEGISLATIVE BILL 345. Laid over at the request of Mr. Kelly.

LEGISLATIVE BILL 321. E & R amendment found in the Journal on page 1382 for the Seventy-first Day was rejected

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Member Excused

Speaker Proud asked unanimous consent to be excused at 3:00 p.m. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 510. E & R amendment found in the Journal on page 1382 for the Seventy-first Day was adopted.

Mr. Carpenter offered the following amendments which were adopted with 32 ayes, 0 nays and 17 not voting:

1. Strike sections 1 to 5 and all amendments thereto and insert:

"Section 1. That section 85-1,100, Revised Statutes Supplement, 1972, be amended to read as follows:

85-1,100. The new field house for the Department of Athletics of the University of Nebraska at Lincoln shall be constructed on the State Fairgrounds. The cost of such construction, excluding interest on indebtedness, shall not exceed the sum of twelve million dollars plus the amount of investment income received by the University of Nebraska at Lincoln Field House Fund and by the Construction and Bond Funds and the amount in the Reserve Account established in connection with the University of Nebraska Facilities Corporation bond issue used to finance the new field house. Such field house may be constructed and financed in the manner set forth in sections 85-401 and 85-402. The land necessary for erection of the field house shall be selected by agreement between the Board of Regents of the University of Nebraska and the State Board of Agriculture. Permission is hereby given for a person, firm or corporation to construct such field house on the land so selected, which may be leased by the State of Nebraska to such person, firm or corporation. The field house so constructed shall be leased to the Board of Regents of the University of Nebraska pursuant to the provisions of sections 85-401 and 85-402. The liability of the Board of Regents of the University of Nebraska under such lease shall be limited to the revenue of the field house and the money appropriated from time to time from the University of Nebraska at Lincoln Field House Fund. The State Board of Agriculture shall be reimbursed out of the University of Nebraska at Lincoln Field House Fund for its cost as a result of the field house construction and use of related parking facilities in the manner and amount set forth in section 77-2602.

Sec. 2. (1) All money in the University of Nebraska at Lincoln Field House Fund is hereby appropriated for the fiscal year ending June 30, 1974, for the purposes stated in the first subdivision of section 77-2602.

(2) All money in the State Board of Agriculture Improvement Fund is hereby appropriated for the fiscal year ending June 30, 1974, for the purposes stated in the second subdivision of section 77-2602.

Sec. 3. That original section 85-1,100, Revised Statutes Supplement, 1972, is repealed.

Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. In the title, strike lines 2 to 7 and all amendments thereto and insert:

"FOR AN ACT to amend section 85-1,100, Revised Statutes Supplement, 1972, relating to the University of Nebraska at Lincoln field house; to provide for the use of earnings on appropriated funds; to make appropriations; to repeal the original section; and to declare an emergency.".

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 452. E & R amendments found in the Journal on page 1383 for the Seventy-first Day were adopted.

Advanced to E & R for Engrossment.

Mr. Carpenter asked unanimous consent to expedite LB 452. No objections. So ordered.

LEGISLATIVE BILL 349. E & R amendments found in the Journal on page 1384 for the Seventy-first Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 506A. E & R amendments found in the Journal on page 1384 for the Seventy-first Day were adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT–Unbracket LB 311

Mr. Carpenter asked unanimous consent to unbracket LB 311 on Select File. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 311. E & R amendments found in the Journal on page 1343 for the Seventieth Day were adopted.

Mr. Carpenter offered the following amendments which were adopted with 31 ayes, 0 nays and 18 not voting.

1. On page 4 after line 22 insert a new section as follows:

"Sec. 3. Each mental retardation region shall annually, prior to July 1, 1973, and each year thereafter, prepare a proposed budget for the fiscal year beginning July 1. The budgets shall show all expenditures proposed by the mental retardation region. Such budgets shall be submitted by August 1 to the Department of Public Institutions. The Department of Public Institutions shall review such budgets and attach its recommendations thereto and transmit them to the Director of Administrative Services not later than September 15. The final budget for each mental retardation region shall be set by the Legislature.".

2. Renumber original sections 3 and 4 as sections 4 and 5 respectively.

Bracketed until May 1 at the request of Mr. Carpenter.

REFERENCE COMMITTEE REPORT

LB	**Committee**
579	Appropriations

(Signed) Terry Carpenter, Chairman
Executive Board

MOTION—Suspend Rules

Mr. Marvel moved to suspend the Rules that LB 578 and LB 579 be heard by the Appropriations Committee on Thursday, May 3, 1973 at 4:00 p.m.

The motion prevailed with 34 ayes, 0 nays and 15 not voting.

NOTICE OF COMMITTEE HEARING
Committee on Committees

April 30, 1973

The Committee on Committees will meet at 12:30 p.m. Monday, May 7, 1973 for the purpose of hearing appointments by Governor J. James Exon as follows:

State Commission for Higher Educational Aid

Dr. Leonard Skov
Mrs. Marilu Ellerbroek
Lester Harsh
William Dobler
Dr. Vance Rogers
Glen Ilgenfritz
Thomas L. Morrissey

Ronald Woodward – Advisory Committee to the
Department of Economic Development (Reset)

(Signed) Ramey C. Whitney, Chairman

UNANIMOUS CONSENT–Bracket LB 286

Mr. DeCamp asked unanimous consent to bracket LB 286 for Thursday, May 3. No objections. So ordered.

MOTION–Postage

Mr. Carpenter moved that the Executive Board be authorized to purchase postage stamps for each member of the Legislature in the amount of $160.00 each.

The motion prevailed with 33 ayes, 0 nays and 16 not voting.

UNANIMOUS CONSENT–Unbracket LB 223

Mr. Kennedy asked unanimous consent to unbracket LB 223 on General File. No objections. So ordered.

MOTION–Recommit LB 223

Mr. Kennedy moved to recommit LB 223 to the Judiciary Committee for further study. The motion prevailed with 28 ayes, 6 nays and 15 not voting.

GENERAL FILE

LEGISLATIVE BILL 45. Title read. Considered.

Mr. Barnett offered the following amendments to the Standing Committee amendments which were adopted:

1. On page 15, line 17 strike "fusil" and insert "fissile".
2. On page 39, line 20 strike "two" and insert "one"; and strike "five" and insert "three".
3. On page 43, line 3 strike "disignate" and insert "designate".
4. On page 56, line 1, strike "nor at an intersection,".
5. On page 61, line 3, strike "subsections" and insert "subsection".
6. On page 83, line 3, strike "defieles" and insert "defiles".
7. On page 87, line 12, strike "Department of Roads" and insert "department".
8. On page 92, line 26, strike "department" and insert "Department of Roads".
9. On page 105 strike lines 13 to 22.

10. On page 106, line 11, strike "28-403.01" and insert "18-1725 to 18-1728"; in line 12 after "39-713.01," insert "39-719.01," and in line 13 after "39-767," insert "39-7,134,".

11. Renumber original sections 123 to 125 as sections 122 to 124 respectively.

Mr. Barnett offered the following amendments to the Standing Committee amendments, which were adopted:

1. On page 59, line 2, strike "fifteen hundred feet" and insert: "one quarter mile".
2. On page 60, line 10, strike "a traffic-control signal" and insert: "or a crossing flagman".
3. On page 61, line 7, strike "or a traffic-control signal".

Mr. Goodrich offered the following amendment to the Standing Committee amendments, which was adopted:
On page 33 line 14 strike "when" and insert "Except where" and strike "permitting" and insert "prohibiting".

Laid over.

VISITORS

Mr. Whitney introduced 13 Secretarial students from North Platte Jr. College, North Platte and teachers Miss Elyose Schwab and Mr. Dale Nelson.

Mr. Whitney introduced 63 6th grade students from Cedar Elementary and Pickrell Elementary Schools, Beatrice and teachers Mrs. Frances Hoffhine, Mrs. Angeline Schmidt, Mr. Reny Tesar and Mr. Donald Loy.

On April 9, 1973 President Marsh introduced Miss Collenn Gallogly of Great Falls, Montana. Miss Gallogly was the winner of the American Legion sponsored Sectional Oratorical Contest in Lincoln and went on to win third place in the national finals.

ADJOURNMENT

At 4:11 p.m., on a motion by Mr. Mahoney, the Legislature adjourned until 9:00 a.m., Tuesday, May 1, 1973.

Vincent D. Brown
Clerk of the Legislature

SEVENTY-THIRD DAY—MAY 1, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

SEVENTY-THIRD DAY

Legislative chamber, Lincoln, Nebraska
Tuesday, May 1, 1973

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Proud presiding.

PRAYER

The prayer was offered by Reverend Everett Franklin Hezmall, Associate Pastor of Westminister Presbyterian Church, Lincoln.

> Almighty God our Father, we confess to You that we are not always the persons we like others to think we are. You have taught us in your Word, that you know us as we are yet you love us more than we love ourselves.
>
> As You have great faith in us, O God, so we thank You for the daily trust which our fellow citizens have imposed in us. Strengthen us where we are weak; Give us insight and perception for the right solution to the problems confronting us.
>
> When we are brought to the test, steady our nerve and hold us in our faith; that in this day of unrest and uncertainty for our people we shall build confidence.
>
> Grant our Father, that the legislation we enact will contribute to the welfare of the whole Community and to the making of a better world. In the Spirit of Christ we pray. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Dickinson who was excused until he arrives and Mr. Waldron who was absent until 10:15 a.m.

CORRECTIONS FOR THE JOURNAL

Page 1397, line 31, delete "494" and insert "474".
The Journal for the Seventy-Second Day was approved as corrected.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly re-engrossed: 522.

Correctly Enrolled

The following bills were correctly enrolled: 180, 220, 244, 397, 411, 469, 491, 504, 511 and 541.

(Signed) John J. Cavanaugh, Chairman

SPEAKER SIGNS

While the Legislature was in session and capable of transacting business the Speaker signed the following: LB 180, LB 220, LB 244, LB 397, LB 411, LB 469, LB 491, LB 504, LB 511 and LB 541.

ANNOUNCEMENT

Mr. Kennedy announced an Executive Session of the Public Health and Welfare Committee at 1:00 p.m. today in room 1009.

UNANIMOUS CONSENT—Member Excused

Mr. Snyder asked unanimous consent to be excused this afternoon. No objections. So ordered.

MOTION—May 15 Session

Mr. F. Lewis moved to not meet on Tuesday, May 15 to attend the Chamber of Commerce function in Omaha. The motion prevailed with 25 ayes, 6 nays and 18 not voting.

UNANIMOUS CONSENT—Unbracket LB 312

Mr. Schmit asked unanimous consent to unbracket LB 312 on General File. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 343.

A BILL FOR AN ACT to amend sections 48-1204 and 48-1206, Reissue Revised Statutes of Nebraska, 1943, and sections 48-1202 and 48-1203, Revised Statutes Supplement, 1972, relating to labor; to change the definition of employee; to increase the minimum rate of wages paid to employees; to provide the Commissioner of Labor with additional authority; and to repeal the original sections.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Mr. Chambers moved for a Call of the House. The motion prevailed with 27 ayes, 4 nays and 18 not voting.

The Call showed 45 members present.

Mr. Clark moved that the Call be raised. The motion lost with 24 ayes, 11 nays and 14 not voting.

Mr. Chambers requested a roll call vote.

Mr. Chambers moved that the Call be raised. The motion prevailed with 36 ayes, 0 nays and 13 not voting.

Voting in the affirmative, 27:

Anderson
Barnett
Carpenter
F. Carstens
Cavanaugh
Chambers
DeCamp
Dickinson
Fellman
Fowler
Goodrich
Keyes
Kremer
F. Lewis
Luedtke
Mahoney
Marsh
Marvel
Moylan
Proud
Richendifer
Savage
Schmit
Simpson
Skarda
Stahmer
Syas

Voting in the negative, 21:

Burbach
C. Carsten
Clark
Duis
Epke
Hasebroock
Johnson
Kelly
Kennedy
Kime
R. Lewis
Maresh
Murphy
Nore
Rasmussen
Snyder
Stromer
Stull
Warner
Whitney
Wiltse

Not voting, 1:

Waldron

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 477. With Emergency.

A BILL FOR AN ACT relating to paupers and public assistance; to provide for state financial participation in county emergency assistance benefits on behalf of families who have children; and to declare an emergency.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
Clark
DeCamp
Dickinson
Duis
Epke
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Warner
Wiltse

Voting in the negative, 0.

Not voting, 4:

Murphy
Nore
Waldron
Whitney

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 496. With Emergency.

A BILL FOR AN ACT to amend sections 66-467, 66-468, and 66-471, Revised Statutes Supplement, 1972, relating to motor vehicle fuels; to make an appropriation; to provide an administrator for the Agricultural Products Industrial Utilization Committee as prescribed; to state policy; to repeal the original sections; and to declare an emergency.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
Clark
DeCamp
Dickinson
Duis
Epke
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Kremer
F. Lewis
R. Lewis

Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Warner
Whitney
Wiltse

Voting in the negative, 1:

Nore

Not voting, 1:

Waldron

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 496A. With Emergency.

A BILL FOR AN ACT to appropriate in addition to other appropriations fifteen thousand dollars from the Agricultural Alcohol Fuel Tax Fund for the period ending June 30, 1973 to the Legislative Council, Agency No. 3 for Program 516, Agricultural Products Committee, for personal services to aid in carrying out the provisions of Legislative Bill 496, Eighty-third Leigslature, First Session, 1973; to remove a limitation on expenditures; to reappropriate funds for the Legislative Council; and to declare an emergency.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
Clark
DeCamp
Duis
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Warner
Whitney
Wiltse

Voting in the negative, 1:

Nore

Not voting, 4:

Dickinson	Epke	Murphy	Waldron

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION—LB 110 and LB 110A

Mr. F. Carstens moved to read LB 110 and LB 110A on Final Reading. Mr. Carpenter requested a division of the question.

Mr. Cavanaugh requested a ruling of the Chair on the motion.

The Chair ruled LB 110 has no fiscal impact and could be read on Final Reading and motion would have to be made to suspend the rules to not take up LB 110A.

Mr. F. Carstens asked unanimous consent to withdraw his motion temporarily. Mr. Cavanaugh objected. Mr. Cavanaugh withdrew his objection. No objections. So ordered. The F. Carstens motion was withdrawn.

MOTION—Override Veto on LB 179

Mr. Carpenter moved to override the Governor's veto on LB 179.

Mr. Carpenter moved the previous question. The question is, "Shall the debate now cease?" The motion prevailed with 28 ayes, 1 nay and 20 not voting.

Whereupon the Speaker stated the question is, "Shall the bill be passed notwithstanding the objections of the Governor?"

Mr. Carpenter moved for a Call of the House. The motion prevailed with 31 ayes, 6 nays and 12 not voting.

The Call showed 47 members present.

Mr. Chambers requested a roll call vote.

Mr. Carpenter moved the Call be raised. The motion prevailed with 42 ayes, 0 nays and 7 not voting.

Voting in the affirmative, 28:

Barnett Carpenter Cavanaugh Chambers Clark
DeCamp Duis Fellman Fowler Keyes
Kremer F. Lewis Luedtke Mahoney Marsh
Marvel Moylan Proud Richendifer Savage
Schmit Simpson Skarda Snyder Stahmer
Syas Waldron Warner

Voting in the negative, 19:

Anderson Burbach C. Carsten Dickinson Epke
Goodrich Hasebroock Johnson Kelly Kennedy
Kime R. Lewis Maresh Murphy Nore
Rasmussen Stromer Stull Wiltse

Not voting, 2:

F. Carstens Whitney

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

MOTION–Return LB 449A to Select File

Mr. Johnson moved to return LB 449A to Select File for the following specific amendment:

Strike the enacting clause.

The motion prevailed with 27 ayes, 0 nays and 22 not voting.

SELECT FILE

LEGISLATIVE BILL 449A. The Johnson specific amendment found in this day's Journal was adopted with 27 ayes, 0 nays and 22 not voting.

MOTION–Return LB 449 to Select File

Mr. Kelly moved to return LB 449 to Select File for the following specific amendment:

1. In the R. Lewis amendment 1, found on page
1200 of the Journal, insert "sections 19-427 to 19-430,
or sections 19-638 to 19-644," at the end of line 9.

The motion prevailed with 26 ayes, 1 nay and 22 not voting.

SELECT FILE

LEGISLATIVE BILL 449. The Kelly specific amendment found in this day's Journal was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Re-engrossment.

LEGISLATIVE BILL 345. E & R amendments found in the Journal on page 1269 for the Sixty-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 311. Bracketed at the request of Mr. Carpenter.

LEGISLATIVE BILL 226. E & R amendments found in the Journal on page 1397 for the Seventy-second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 321A. E & R amendment found in the Journal on page 1397 for the Seventy-second Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 497. E & R amendment found in the Journal on page 1397 for the Seventy-second Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 494. E & R amendments found in the Journal on page 1397 for the Seventy-second Day were adopted.

Mr. Carpenter moved to suspend the rules to adopt the following amendment:

Add the emergency clause.

The motion prevailed and the amendment was adopted with 31 ayes, 0 nays and 18 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 474. E & R amendment found in the Journal on page 1397 for the Seventy-second Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 454. E & R amendments found in the Journal on page 1397 for the Seventy-second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 266. E & R amendments found in the Journal on page 1398 for the Seventy-second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 55. E & R amendments found in the Journal on page 1399 for the Seventy-second Day were adopted.

Mr. Mahoney offered the following amendments which were adopted with 27 ayes, 0 nays and 22 not voting:

1. On page 2 after line 21 insert:

"Sec. 2. This act shall become operative on July 1, 1974.".

2. Renumber original section 2 as section 3.

Mr. Whitney offered the following amendment:

On Page 2, line 18, strike the period and show the same as stricken, and insert ", employees of the Legislative Council of the Legislature."

Mr. Whitney moved for a Call of the House. The motion prevailed with 19 ayes, 5 nays and 25 not voting.

The Call showed 46 members present.

Mr. Carpenter moved the Call be raised. The motion prevailed with 25 ayes, 4 nays and 20 not voting.

The Whitney amendment lost with 21 ayes, 11 nays and 17 not voting.

Advanced to E & R for Engrossment.

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on May 1, 1973 at 10:15 a.m. were the following: LB 220, LB 244, LB 397, LB 411, LB 469, LB 491, LB 504, LB 511, LB 541 and LB 180.

(Signed) Barbara Jackson, Enrolling Clerk

UNANIMOUS CONSENT—Bracket Bills

Mr. Fellman asked unanimous consent to bracket LB 267 and LB 310 until May 8 on General File. No objections. So ordered.

Mr. DeCamp asked unanimous consent to bracket LB 286 for May 7 on General File. No objections. So ordered.

Mr. Carpenter asked unanimous consent to bracket LB 534, LB 531, LB 526, LB 528 and LB 529 for Wednesday, May 2 after LB 172 on

General File. No objections. So ordered.

UNANIMOUS CONSENT—Change of Order

Mr. Savage asked unanimous consent to place LR 23 at the top of General File. No objections. So ordered.

UNANIMOUS CONSENT—Bracket LB 358

Mr. Fellman asked unanimous consent to bracket LB 358 for May 7 on General File. No objections. So ordered.

MOTION—Rule Changes

Mr. Duis moved to amend Rule 3, Sec. 20 to read:

Sec. 20. Objections to Reference of Bills. Any member may object to the reference of any bill or other proposition, and correction in case of error in reference may be made by the Legislature ~~on any legislative day, immediately following corrections of the daily journal~~, by unanimous consent, or by the vote of a majority of the elected members.

Referred to the Rules Committee.

Mr. Duis moved to amend Rule 3, Sec. 12 to read:

Sec. 12. Indefinitely Postponed Bills. If the standing committee report on a bill be to postpone indefinitely, the bill shall stand indefinitely postponed; Provided, that such bill may be placed on General File or referred back to the standing committee by a majority vote of the elected members upon motion made within three legislative days after the committee makes its report to the Legislature, or by a two-thirds vote of the elected members upon motion made more than three legislative days after such committee report. Not more than one bill shall be raised from committee on any one motion. A motion to raise cannot be amended to include any other bill or subject matter. A motion to raise must be disposed of by the Legislature within five legislative days after making the same or it shall be deemed defeated. ~~Consideration of motions pending shall be included in the regular order of business following resolutions.~~

Referred to the Rules Committee.

UNANIMOUS CONSENT—Change of Order

Mr. Richendifer asked unanimous consent to place LB 542 to the top of General File. No objections. So ordered.

Mr. Whitney asked unanimous consent to place LB 573 to the top of General File. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 343, 477, 496 and 496A.

(Signed) John J. Cavanaugh, Chairman

SPEAKER SIGNS

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LB 343, LB 477, LB 496 and LB 496A.

RESOLUTION

LEGISLATIVE RESOLUTION 56.

Introduced by Maresh, 32nd District.

WHEREAS, the Nebraska state income tax does not exclude income earned in permanent active military service for those individuals listing Nebraska as their home state but not residing therein; and

WHEREAS, sixteen states presently exclude all or part of the salaries received by individuals on permanent active duty in the military services for state income tax purposes; and

WHEREAS, the lack of exclusion of military pay is detrimental to the best interests of the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

That an interim study be conducted to determine the feasibility of providing an exclusion of salaries received from permanent active military duty by those individuals listing Nebraska as their permanent home state for state income tax purposes.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 45. Considered.

Mr. Goodrich offered the following amendments to the Standing Committee amendments, which were adopted:

1. In the committee amendments, page 99, insert a new section to read as follows:

"Sec. 104. It shall be the duty of any sheriff, constable, policeman, or any other peace officer in this state, other than members of the Nebraska State Patrol, who shall investigate any traffic accident in the performance of his official duties, in all instances of an accident in which estimated damage exceeds two hundred fifty dollars, to submit a report of such investigation to the accident record bureau of the Department of Roads within ten days after each such accident. Such report shall be on forms to be prescribed and furnished by the Department of Roads.".

2. Renumber original sections 104 to 125 as sections 105 to 126.

3. On page 106, line 6, of the committee amendments, insert "39-764.01," after the third comma.

Mr. Barnett offered the following amendment to the Standing Committee amendments, which was adopted:

1. On page 33, line 16 after "make" strike "the" and insert "a right"; and on line 17 strike "permitted as indicated by such sign".

Mr. Carpenter offered the following amendment to the Standing Committee amendments:

1. On page 69 of the standing committee amendments after line 15 insert a new subsection to read as follows:

"(3) All state patrol vehicles equipped and used in electronic checking of the speed of any motor vehicle shall be clearly visible to all traffic approaching the patrol vehicle from either direction.".

Mr. Whitney moved the previous question. The question is, "Shall the debate now cease?" The motion lost with 15 ayes, 17 nays and 17 not voting.

Carpenter amendment pending.

VISITORS

Speaker Proud introduced 37 High School seniors from Harvard and teachers Mr. Silvey and Miss Frank and Mr. Loveland, bus driver.

Speaker Proud introduced Mr. Jay Gloeb, President of the Bellevue High School student council.

Speaker Proud introduced 25 4th grade students, 5 adults and teacher Mrs. Ken Todd from Murray Public School, Murray.

Speaker Proud introduced 45 5th thru 8th grade students from Pierce County Rural School, Pierce and Mrs. Georgia Birch from the County Superintendent's office.

Speaker Proud introduced 16 7th & 8th grade students, 6 adults and Sister Bernita McAttee from St. Joseph's Parochial School, Atkinson.

RECESS

At 12:00 noon on a motion by Mr. Hasebroock, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:00 p.m., Mr. Whitney presiding.

The roll was called and all members were present except Mr. Snyder who was excused.

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on May 1, 1973 at 1:30 p.m. were the following: LB 343, LB 477, LB 496 and LB 496A.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Engrossed

The following bill was correctly re-engrossed: 452.

(Signed) John J. Cavanaugh, Chairman

GENERAL FILE

LEGISLATIVE BILL 45. Considered.

Mr. Carpenter renewed his pending amendment found in this day's Journal.

Mr. F. Lewis offered the following amendment to the Carpenter amendment:

Amend the Carpenter motion by inserting that "all state cars should be painted the same as patrol cars."

The amendment lost with 8 ayes, 28 nays and 13 not voting.

Mr. Chambers requested a roll call vote on the Carpenter amendment.

Voting in the affirmative, 24:

Barnett
Burbach
Carpenter
C. Carsten
Cavanaugh
Chambers
Clark
DeCamp
Dickinson
Duis
Hasebroock
F. Lewis
R. Lewis
Luedtke
Mahoney
Marvel
Moylan
Rasmussen
Savage
Schmit
Simpson
Skarda
Waldron
Wiltse

Not voting, 23:

Anderson
F. Carstens
Epke
Fowler
Goodrich
Johnson
Kelly
Kennedy
Keyes
Kime
Kremer
Maresh
Marsh
Murphy
Nore
Proud
Richendifer
Stahmer
Stromer
Stull
Syas
Warner
Whitney

Not voting, 2:

Fellman
Snyder

The amendment was adopted with 24 ayes, 23 nays and 2 not voting.

Standing Committee amendments referred to in the Journal on page 1192 for the Sixty-fifth Day were adopted, as amended.

Advanced to E & R for Review with 31 ayes, 7 nays and 11 not voting.

UNANIMOUS CONSENT—Change of Order

Mr. Kremer asked unanimous consent to consider LB 548 on General File at this time. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 548. Title read. considered.

Advanced to E & R for Review with 34 ayes, 0 nays and 15 not voting.

UNANIMOUS CONSENT–Member Excused

Mr. Fellman asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

SPEAKER PROUD PRESIDING

GENERAL FILE

LEGISLATIVE BILL 312. Title read. Considered.

Standing Committee amendment found in the Journal on page 833 for the Fiftieth Day was rejected.

Mr. F. Carstens offered the following amendment, which was adopted:

1. On page 2, line 15, strike "same" and show as stricken; in line 16 strike "and one to be located" and insert "~~and~~ of the city in which such bank is located"; in line 16 before "within" insert "Any bank that establishes and maintains two auxilliary teller offices shall locate one of such offices".

Mr. Murphy moved to indefinitely postpone.

Mr. R. Lewis moved to bracket the bill. The Chair ruled the motion out of order.

Mr. R. Lewis moved to postpone the bill to a time certain, January 10, 1974. The Chair ruled the motion out of order.

Mr. Murphy moved for a Call of the House. The motion prevailed with 24 ayes, 9 nays and 16 not voting.

The Call showed 45 members present.

Mr. Carpenter requested a roll call vote on the motion to indefinitely postpone.

Mr. Clark moved to raise the Call. The motion prevailed with 32 ayes, 0 nays and 17 not voting.

Voting in the affirmative, 21:

Burbach
C. Carsten
Cavanaugh
Chambers
Clark
Dickinson
Duis
Fowler
Goodrich
Kennedy
Kime
Maresh
Moylan
Murphy
Nore
Rasmussen
Richendifer
Stahmer
Syas
Warner
Wiltse

Voting in the negative, 21:

Anderson Barnett Carpenter F. Carstens DeCamp
Hasebroock Johnson Kelly Keyes Kremer
F. Lewis Luedtke Mahoney Marsh Marvel
Savage Schmit Simpson Skarda Stromer
Whitney

Not voting, 7:

Epke Fellman R. Lewis Proud Snyder
Stull Waldron

The motion to indefinitely postpone lost with 21 ayes, 21 nays and 7 not voting.

ANNOUNCEMENT

Mr. Marvel announced the Appropriations Committee will meet in executive session at 4:00 p.m. today in Room 1003.

MESSAGE FROM THE GOVERNOR

May 1, 1973

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment requiring legislative confirmation:

Vernon E. Malolepszy – Director, Division of Employment

I respectfully submit this appointment for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

NOTICE OF COMMITTEE HEARING

May 1, 1973

The Committee on Committees will meet at 12:30 p.m., Monday, May 7, 1973, for the purpose of hearing the following appointment by Governor J. James Exon:

Vernon E. Malolepszy – Director, Division of Employment

(Signed) Ramey C. Whitney, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 226, 321A, 474 and 497.

(Signed) John J. Cavanaugh, Chairman

STANDING COMMITTEE REPORTS
Committee on Committees

May 1, 1973

The Committee on Committees desires to report favorably upon the appointments listed below which were submitted by Governor J. James Exon. The Committee suggests that the appointments be confirmed by the Legislative Body and suggests a record vote:

Edward R. Brandt – State Electrical Board

Committee Vote: For: (8) Senators Barnett, Epke, Johnson, Nore, Stromer, Stull, Whitney and Wiltse

Against: None

Absent and not voting: (5) Senators Chambers, Duis, Luedtke, Snyder and Stahmer

Robert J. Chase – State Electrical Board

Committee Vote: For: (8) Senators Barnett, Epke, Johnson, Nore, Stromer, Stull, Whitney and Wiltse

Against: None

Absent and not voting: (5) Senators Chambers, Duis, Luedtke, Snyder and Stahmer

Weston Webb – State Electrical Board

Committee Vote: For: (8) Senators Barnett, Epke, Johnson, Nore, Stromer, Stull, Whitney and Wiltse

Against: None

Absent and not voting: (5) Senators Chambers, Duis, Luedtke, Snyder and Stahmer

Respectfully submitted,

(Signed) Ramey C. Whitney, Chairman
Committee on Committees

May 1, 1973

The Committee desires to report favorably on the appointments listed below which were submitted by Governor J. James Exon. The Committee suggests that the appointments be confirmed by the Legislative Body and suggests a record vote:

Lowell W. Fisk – Public Employees Retirement Board

Committee Vote: For: (8) Senators Barnett, Epke, Johnson, Nore, Stromer, Stull, Whitney and Wiltse

Against: None

Absent and not voting: (5) Senators Chambers, Duis, Luedtke, Snyder and Stahmer

Richard Weber – Public Employees Retirement Board

Committee Vote: For: (8) Senators Barnett, Epke, Johnson, Nore, Stromer, Stull, Whitney and Wiltse

Against: None

Absent and not voting: (5) Senators Chambers, Duis, Luedtke, Snyder and Stahmer

Walter R. Louis – Motor Vehicle Industry Licensing Board

Committee Vote: For: (8) Senators Barnett, Epke, Johnson, Nore, Stromer, Stull, Whitney and Wiltse

Against: None

Absent and not voting: (5) Senators Chambers, Duis, Luedtke, Snyder and Stahmer

Respectfully submitted,

(Signed) Ramey C. Whitney, Chairman
Committee on Committees

SELECT COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 515. Replaced on Select File as amended.
E & R amendment to LB 515:

1. In the title, line 8, strike the semicolon and insert a comma.

LEGISLATIVE BILL 55. Replaced on Select File as amended.
E & R amendments to LB 55:

1. In the Mahoney amendment 1, line 2, insert an underscored period after "1974".
2. In the title, line 5, insert "to provide an operative date;" after the semicolon.

(Signed) John J. Cavanaugh, Chairman

STANDING COMMITTEE REPORT

Public Health and Welfare

LEGISLATIVE BILL 375. Placed on General File as amended.
Standing Committee amendments to LB 375:

1. On page 2, lines 10 and 11 strike "state hospital" and insert "~~state hospital~~ regional center"; in line 26 after the period insert "Such facilities and staff may be provided through contract for the efficient utilization of resources.".
2. On page 3, line 1 strike "sixty" and insert "twenty"; in lines 16 to 18 strike the new matter.

(Signed) Thomas Kennedy, Chairman

VISITORS

Mr. Whitney introduced 11 Sixth graders and their teacher, Mrs. Pratt from Merle Beattie School, Lincoln.

Mr. Whitney introduced Mr. and Mrs. W. C. Robinson who are celebrating their 55th Wedding Anniversary today.

Mr. Whitney introduced 45 Sixth, Seventh, and Eighth Grade students and teacher, Mrs. Donna Galvin from Pierce County Rural School, Pierce.

ADJOURNMENT

At 4:14 p.m., on a motion by Mr. Wiltse, the Legislature adjourned until 9:00 a.m., Wednesday, May 2, 1973.

Vincent D. Brown
Clerk of the Legislature

SEVENTY-FOURTH DAY—MAY 2, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

SEVENTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 2, 1973

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Proud presiding.

PRAYER

The prayer was offered by Reverend Everett Franklin Hezmall, Associate Pastor of Westminister Presbyterian Church, Lincoln.

> O God, Creator and Sustainer of all things, we thank You for the world in which we live. We bless You for our country, for our State, its heritage and its present.
>
> Grant us the vision and the purposeful planning which will lead it to a progressive future for ourselves and for our children.
>
> Eternal Father of all goodness and grace, grant Your blessing upon our families, both when we are away from them as well as with them. Help us now as we begin this new day:
>
> To use to the full every gift and talent which you have given us;
>
> To overcome every weakness which has us in its grip;
>
> To be forever true to You, to our friends, and loved ones, no matter what the cost.
>
> In the spirit of Jesus Christ--Amen.

ROLL CALL

The roll was called and all members were present except Messrs. DeCamp and Fellman who were excused; Mr. Cavanaugh who was absent until 9:15 a.m.; Mr. Chambers who was absent until 9:30 a.m.; and Mr. F. Carstens who was excused until 10:30 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventy-Third Day was approved.

MESSAGE FROM THE GOVERNOR

May 1, 1973

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment requiring legislative confirmation:

> William C. Peters, Personnel Director, to the Code of Ethics Board, replacement for Gus Lieske, resigned – term expires January 9, 1975

I respectfully submit this appointment for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 321, 445, 506A and 510; the following bill was correctly re-engrossed: 402.

(Signed) John J. Cavanaugh, Chairman

ANNOUNCEMENT

Mr. Stromer announced that the Senator's business cards are available and ready to be picked up.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 121.

A BILL FOR AN ACT to create the Nebraska Arts Council; and to repeal Chapter 82, article 3, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is 'Shall the bill pass?' "

Voting in the affirmative, 40:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
Clark
Dickinson
Duis
Epke
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Nore
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 9:

F. Carstens
Cavanaugh
Chambers
DeCamp
Fellman
Fowler
Keyes
Kime
Syas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 225. With Emergency.

A BILL FOR AN ACT to repeal section 14-1901, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
Clark
Dickinson
Duis
Epke
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Kime
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Moylan
Murphy
Rasmussen
Richendifer
Savage
Schmit
Simpson
Snyder

Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 11:

F. Carstens
Cavanaugh
Chambers
DeCamp
Fellman
Fowler
Keyes
Marvel
Nore
Proud
Skarda

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 372.

A BILL FOR AN ACT to amend section 48-627, Revised Statutes Supplement, 1972, relating to the Employment Security Law; to eliminate pregnancy as a condition of ineligibility to receive unemployment compensation benefits; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Mr. Barnett moved for a Call of the House. The Chair ruled the motion out of order.

Voting in the affirmative, 24:

Anderson
Barnett
Carpenter
Dickinson
Goodrich
Kelly
Kennedy
Keyes
F. Lewis
Luedtke
Maresh
Marsh
Marvel
Moylan
Proud
Savage
Schmit
Simpson
Snyder
Stahmer
Stull
Syas
Waldron
Warner

Voting in the negative, 14:

Burbach
C. Carsten
Clark
Epke
Kime
Kremer
R. Lewis
Mahoney
Nore
Rasmussen
Skarda
Stromer
Whitney
Wiltse

Not voting, 11:

F. Carstens
Cavanaugh
Chambers
DeCamp
Duis
Fellman
Fowler
Hasebroock
Johnson
Murphy
Richendifer

Having failed to receive a constitutional majority voting in the affirmative, the bill fails of passage.

LEGISLATIVE BILL 399.

A BILL FOR AN ACT to amend section 85-502.01, Reissue Revised Statutes of Nebraska, 1943, relating to state educational institutions; to provide conditions for an emancipated minor and student to be considered domiciled in this state; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
Cavanaugh
Clark
Duis
Epke
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Nore
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 6:

F. Carstens
Chambers
DeCamp
Dickinson
Fellman
Fowler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 509.

A BILL FOR AN ACT relating to cities and villages, all; to repeal section 18-1711, Reissue Revised Statutes of Nebraska, 1943, as obsolete.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Anderson Barnett Burbach Carpenter C. Carsten
Cavanaugh Clark Dickinson Duis Epke
Goodrich Hasebroock Johnson Kelly Kennedy
Keyes Kime Kremer F. Lewis R. Lewis
Luedtke Mahoney Maresh Marsh Marvel
Moylan Murphy Nore Proud Rasmussen
Richendifer Savage Schmit Simpson Skarda
Snyder Stahmer Stromer Stull Syas
Waldron Warner Whitney Wiltse

Voting in the negative, 0.

Not voting, 5:

F. Carstens Chambers DeCamp Fellman Fowler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION—Suspend Rules

Mr. Carpenter moved to suspend the Rules and take up LB 540 and LB 547 on Final Reading today. The motion prevailed with 32 ayes, 0 nays and 17 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 540. With Emergency.

A BILL FOR AN ACT to amend sections 19-3311, 19-3315, and 19-3316, Reissue Revised Statutes of Nebraska, 1943, and sections 19-3314 and 19-3317, Revised Statutes Supplement, 1972, relating to the Off-Street Parking District Act; to provide for a public hearing; to provide for special assessments as prescribed; to provide for acquiring additional facilities; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Anderson Barnett Burbach Carpenter C. Carsten
Cavanaugh Chambers Clark Dickinson Duis

Fowler Goodrich Hasebroock Johnson Kelly
Kennedy Keyes Kremer F. Lewis Luedtke
Maresh Marsh Marvel Moylan Murphy
Nore Proud Savage Schmit Simpson
Skarda Snyder Stahmer Stromer Stull
Waldron Warner Whitney Wiltse

Voting in the negative, 2:

R. Lewis Syas

Not voting, 8:

F. Carstens DeCamp Epke Fellman Kime
Mahoney Rasmussen Richendifer

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 547. With Emergency.

A BILL FOR AN ACT to amend sections 72-801 and 72-802, Reissue Revised Statutes of Nebraska, 1943, relating to the erection of public buildings; to change provisions for the erection of buildings for the state; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Anderson Barnett Burbach Carpenter C. Carsten
Cavanaugh Chambers Clark Dickinson Duis
Epke Fowler Goodrich Hasebroock Johnson
Kelly Kennedy Keyes Kime Kremer
F. Lewis R. Lewis Luedtke Maresh Marsh
Marvel Moylan Murphy Nore Proud
Rasmussen Savage Schmit Simpson Skarda
Snyder Stahmer Stromer Stull Syas
Waldron Warner Wiltse

Voting in the negative, 0.

Not voting, 6:

F. Carstens DeCamp Fellman Mahoney Richendifer
Whitney

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION—Expedite Bills

Mr. Carpenter moved to expedite the delivery of all bills passed on Final Reading for the remainder of the session. The motion prevailed.

MOTION—Reconsider Action

Mr. Fowler moved to reconsider the action on Final Reading of LB 372. The motion prevailed with 31 ayes, 5 nays and 13 not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 372.

A BILL FOR AN ACT to amend section 48-627, Revised Statutes Supplement, 1972, relating to the Employment Security Law; to eliminate pregnancy as a condition of ineligibility to receive unemployment compensation benefits; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 26:

Anderson
Barnett
Carpenter
Cavanaugh
Chambers
Dickinson
Fowler
Goodrich
Kelly
Keyes
F. Lewis
Luedtke
Maresh
Marsh
Marvel
Moylan
Proud
Richendifer
Savage
Schmit
Simpson
Stahmer
Stull
Syas
Waldron
Warner

Voting in the negative, 13:

Burbach
C. Carsten
Clark
Epke
Kime
Kremer
R. Lewis
Rasmussen
Skarda
Snyder
Stromer
Whitney
Wiltse

Not voting, 10:

F. Carstens
DeCamp
Duis
Fellman
Hasebroock
Johnson
Kennedy
Mahoney
Murphy
Nore

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

STANDING COMMITTEE REPORT
Public Health and Welfare

LEGISLATIVE BILL 461. Indefinitely postponed.

(Signed) Thomas C. Kennedy, Chairman

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 454. Replaced on Select File as amended.
E & R amendments to LB 454:

1. On page 6, line 26, underscore the semicolon and at the end of the line insert a stricken period.
2. In the last line of standing committee amendment 8, strike the first period.
3. On page 9, line 27, strike "days" and insert "~~days~~ days' ".

(Signed) John J. Cavanaugh, Chairman

RESOLUTIONS

LEGISLATIVE RESOLUTION 57.

Introduced by Kelly, 35th District.

WHEREAS, a general problem exists in getting certain persons to make child support payments as required of them by divorce or dissolution of marriage decrees; and

WHEREAS, in some counties a sizeable volume of delinquent child support payments has accumulated; and

WHEREAS, the refusal to make such payments may have an impact on the number of persons receiving benefits under the program of Aid to Families with Dependent Children; and

WHEREAS, there are provisions in the law for prosecuting persons who willfully refuse to make such payments, but which are somewhat cumbersome and time-consuming, especially if the delinquent parent is located in a county other than the one in which the family resides; and

WHEREAS, it would be beneficial to determine if there would be other procedures available to make it easier and less time-consuming to enforce the decrees requiring child support payments.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That an interim study be conducted as directed by the Executive Board of the Legislative Council of the problem of delinquent child support payments, which study shall include a survey of (a) the scope of the problem; (b) the present methods available for enforcing court orders requiring such payments; and (c) possible alternative methods and procedures which would aid in such enforcement.

2. That upon the completion of the study the committee report its findings and recommendations to the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 58.

Introduced by Marvel, 33rd District; Clark, 47th District.

WHEREAS, Nebraska is a large state having an unequal distribution of its citizens; and

WHEREAS, it is desirable that state government and its political subdivisions provide selective services throughout the state; and

WHEREAS, numerous agencies are involved in providing related, complementary, or the same services; and

WHEREAS, identification and coordination of these services could provide a comprehensive delivery system for any citizen who would require or benefit from such services; and

WHEREAS, some Nebraska citizens are unable to benefit from available services because of restrictions, rules and regulations, and the complexity of bureaucracy.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations Committee make a study that would:
    (a) Compile an inventory of people-related services currently being provided;
    (b) Identify cost and resources used to provide these services;
    (c) Make a determination of the methods used to deliver the services;
    (d) Develop methods by which the state can determine the number of citizens who need such services;
    (e) Identify alternatives for redistribution of resources for more effective utilization;
    (f) Determine the feasibility of decentralizing services on a uniform regional basis; and
    (g) Improve the methods of measuring the accomplishments of the agencies and services provided.

2. That the committee shall make a report of its findings and make its recommendations to the next session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 59.

Introduced by Marvel, 33rd District; Stahmer, 8th District; Stromer, 36th District; Simpson, 46th District.

WHEREAS, the Governing Boards of the State Colleges and the Technical Community Colleges disagree on their respective instructional roles; and

WHEREAS, the State Colleges are experiencing an enrollment decrease, while the Technical Community Colleges are experiencing an enrollment increase; and

WHEREAS, the demand upon the State's tax dollars to support higher education continues to increase; and

WHEREAS, the maximum use of the facilities and resources in the colleges and the universities in Nebraska is a desirable goal; and

WHEREAS, the concept of regionalization of educational service areas may have a beneficial effect by reducing administrative costs, eliminating duplication of effort, maximizing facility utilization and providing higher educational opportunities for the citizens of the State of Nebraska; and

WHEREAS, the State of Nebraska does not have a legislative or executive policy on state-wide opportunities for higher education.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

(1) That the Executive Board of the Legislative Council appoint a committee to conduct a study on (1) duplication of instructional effort between the Technical Community College system and the State Colleges; (2) the concept of regionalization of instructional service areas in higher education.

(2) That this committee make its report together with any recommendations to the Legislature at the conclusion of its study.

Referred to the Executive Board.

MOTION–Suspend Rules

Mr. Duis moved to suspend the rules to introduce a new bill and place the bill on General File without a public hearing (Request No. 912). The motion prevailed with 31 ayes, 0 nays and 18 not voting.

BILL ON FIRST READING

LEGISLATIVE BILL 580. By Duis, 39th District.

A BILL FOR AN ACT to amend section 13, Legislative Bill 68, Eighty-third Legislature, First Session, 1973, relating to the Nebraska Real Estate License Act; to change an internal reference; and to repeal the original section.

UNANIMOUS CONSENT—Bracket LB 580

Mr. Duis asked unanimous consent to bracket LB 580 on General File for May 3, 1973. No objections. So ordered.

ANNOUNCEMENT

Mr. Marvel announced that the Appropriations Committee will meet in Executive Session today at 12:00 noon to 2:00 p.m. and again at 4:00 p.m.

SELECT FILE

LEGISLATIVE BILL 515. E & R amendment found in the Journal on page 1441 for the Seventy-third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 55. E & R amendments found in the Journal on page 1441 for the Seventy-third Day were adopted.

Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORTS
Enrollment & Review

Correctly Enrolled

The following bills were correctly enrolled: 121, 225, 399, 509, 540, 547 and 372.

(Signed) John J. Cavanaugh, Chairman

SPEAKER SIGNS

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: LB 121, LB 225, LB 399, LB 509, LB 540, LB 547 and LB 372.

UNANIMOUS CONSENT–Governor Appointments

Mr. Whitney asked unanimous consent to approve the following Governor Appointments found in the Journal on page 1439 and page 1440 for the Seventy-third Day in one vote. No objections. So ordered.

Edward R. Brandt – State Electrical Board
Robert J. Chase – State Electrical Board
Weston Webb – State Electrical Board
Lowell W. Fisk – Public Employees Retirement Board
Richard Weber – Public Employees Retirement Board
Walter R. Louis – Motor Vehicle Industry Licensing Board

Voting in the affirmative, 28:

Burbach	Carpenter	Dickinson	Epke	Fowler
Goodrich	Hasebroock	Johnson	Keyes	Kime
Kremer	F. Lewis	Luedtke	Mahoney	Marsh
Marvel	Moylan	Murphy	Nore	Proud
Rasmussen	Simpson	Stull	Syas	Waldron
Warner	Whitney	Wiltse		

Voting in the negative, 0:

Not voting, 21:

Anderson	Barnett	C. Carsten	F. Carrstens	Cavanaugh
Chambers	Clark	DeCamp	Duis	Fellman
Kelly	Kennedy	R. Lewis	Maresh	Richendifer
Savage	Schmit	Skarda	Snyder	Stahmer
Stromer				

The Appointments were confirmed with 28 ayes, 0 nays and 21 not voting.

UNANIMOUS CONSENT–Change of Order

Mr. Waldron asked unanimous consent to unbracket LB 365 on General File and consider it on May 9, 1973. No objections. So ordered.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 266. Replaced on Select File as amended.
E & R amendments to LB 266:

1. In the title, line 5, insert "of Nebraska" after "Statutes".

2. In line 3 of E& R 4, insert "First Session," after the second comma.

(Signed) John J. Cavanaugh, Chairman

GENERAL FILE

LEGISLATIVE BILL 312. Considered.

Mr. Carpenter offered the following amendment which was adopted:
Amend the title by striking the word "branch".

Mr. Goodrich offered the following amendment:
Sec. 1, page 2, strike "two thousand" on line 16 and insert "ten thousand".

Mr. R. Lewis moved to bracket LB 312 on General File until January 10, 1974.

Mr. R. Lewis moved for a Call of the House. The motion prevailed with 26 ayes, 5 nays and 18 not voting.

The Call showed 45 members present.

Mr. Carpenter moved the Call be raised. The motion prevailed with 25 ayes, 11 nays and 13 not voting.

Mr. R. Lewis requested a roll call vote.

Voting in the affirmative, 22:

Anderson	Burbach	C. Carsten	Cavanaugh	Chambers
Clark	Dickinson	Duis	Epke	Goodrich
Kennedy	Kime	Kremer	R. Lewis	Maresh
Moylan	Murphy	Nore	Rasmussen	Stahmer
Stromer	Syas			

Voting in the negative, 22:

Barnett	Carpenter	F. Carstens	Fowler	Hasebroock
Johnson	Keyes	F. Lewis	Luedtke	Mahoney
Marsh	Marvel	Richendifer	Savage	Schmit
Simpson	Skarda	Snyder	Waldron	Warner
Whitney	Wiltse			

Not voting, 5:

DeCamp	Fellman	Kelly	Proud	Stull

The motion lost with 22 ayes, 22 nays and 5 not voting.

Mr. Carpenter moved to amend the Goodrich amendment to read "3 miles". The amendment was adopted with 19 ayes, 15 nays and 15 not voting.

The Goodrich amendment, as amended, was adopted with 20 ayes, 18 nays and 11 not voting.

Mr. Schmit moved to advance LB 312 to E & R for Review.

Mr. Schmit moved for a Call of the House. The motion prevailed with 22 ayes, 5 nays and 22 not voting.

The Call showed 46 members present.

Mr. Clark moved the Call be raised. The motion lost with 20 ayes, 21 nays and 8 not voting.

Mr. Stull moved the Call be raised. The motion prevailed with 30 ayes, 4 nays and 15 not voting.

Advanced to E & R for Review with 25 ayes, 16 nays and 8 not voting.

LEGISLATIVE BILL 172. Title read. Considered.

Mr. Warner offered the following amendment to the Standing Committee amendment which was adopted:

1. In standing committee amendment 1, line 4, strike "There" and insert "In addition to the appropriation made in section 1 of this act, there".

Mr. F. Lewis offered the following amendment to the standing committee amendment:

Amend committee amendment by striking 10 in line 2 section 1 and insert 20. Strike line 4-21 of the committee amendment.

Amendment pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on May 2, 1973 at 10:45 a.m. were the following: LB 121, LB 225, LB 399, LB 509, LB 540, LB 547 and LB 372.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 548. Placed on Select File as amended.
E & R amendment to LB 548:

1. On page 2, lines 2 and 16, and in the title, line 3, insert "section 1," after "by"; and on page 2, line 13, insert "and municipal" after "county".

(Signed) John J. Cavanaugh, Chairman

VISITORS

Speaker Proud introduced 15 Grade school students and one mother from Bisbee Public School, Arlington, and teacher, Mrs. Opal Minthen.

Speaker Proud introduced 30 Ninth grade students from Monroe Junior High School, Omaha, and teacher, Miss Grothe.

Speaker Proud introduced 44 Ninth grade students from Horace Mann School, Omaha, and teachers Mrs. L. E. Johnson and Rev. J. M. Bolds.

Speaker Proud introduced 66 Sixth grade students and 15 adults from Avery School, Bellevue, and teachers Mrs. Bloomstrand and Mrs. Maurer.

Speaker Proud introduced 31 Fourth grade students and one mother from Louisville Elementary School, Louisville and teacher Beverly Defnall.

Speaker Proud introduced 50 high school seniors from York High School, York, and teacher Chas Brown.

Speaker Proud introduced 50 Eighth grade students from Wakefield Public School, Wakefield, and teachers Joe Cohle and Murl Beller.

Speaker Proud introduced Mrs. Janet Hinman and District 3 School children from Grand Island.

Speaker Proud introduced 30 grade school students from Dixon County Public School, Dixon, and teachers Wilma Lund, Shirley Woodward, Marilyn Wallin, Sally Lubberstedt and Barbara Myer.

Speaker Proud introduced 11 Second grade students from Nemaha Valley School, Talmage, and teacher Mrs. Stan Huskey.

RECESS

At 11:54 a.m., on a motion by Mr. Carpenter, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:04 p.m., Speaker Proud presiding.

The roll was called and all members were present except Messrs. DeCamp and Fellman who were excused; Mr. Schmit who was excused for a short time.

UNANIMOUS CONSENT–Member Excused

Mr. Fowler asked unanimous consent to be excused at 2:30 p.m. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly re-engrossed: 449; the following bills were correctly engrossed: 345 and 494.

(Signed) John J. Cavanaugh, Chairman

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 347. Indefinitely postponed.

LEGISLATIVE BILL 376. Indefinitely postponed.

LEGISLATIVE BILL 404. Indefinitely postponed.

(Signed) Thomas C. Kennedy, Chairman

GENERAL FILE

LEGISLATIVE BILL 172. Considered.

Mr. F. Lewis renewed his pending amendment to the Standing Committee amendment found in this day's Journal.

Mr. Fowler moved the previous question. The question is, "Shall the debate now cease?" The motion prevailed with 30 ayes, 2 nays and 17 not voting.

The amendment was adopted with 22 ayes, 21 nays and 6 not voting.

Mr. Barnett moved to reconsider action on the adoption of the F. Lewis amendment.

Mr. Carpenter moved to ease for fifteen minutes. The motion prevailed.

EASE

The Legislature was at ease from 3:30 p.m. to 3:45 p.m.

GENERAL FILE

LEGISLATIVE BILL 172. Considered.

Mr. Barnett renewed his pending motion to reconsider action on the adoption of the F. Lewis amendment. The motion prevailed with 26 ayes, 11 nays and 12 not voting.

Standing Committee amendments found in the Journal on page 1302 for the Sixty-ninth Day were adopted, as amended with 27 ayes, 10 nays and 12 not voting.

Advanced to E & R for Review with 29 ayes, 11 nays and 9 not voting.

MOTION—Request LB 180 from Governor

Mr. Johnson moved that the Clerk be directed to request the Governor to return to the Legislature LB 180 for further consideration. The motion prevailed 37 ayes, 0 nays and 12 not voting.

ANNOUNCEMENT

Mr. Luedtke announced the Judiciary Committee will meet in Executive Session Monday, May 7, 1973 at 1:00 p.m. in the Legislative Council Hearing Room.

MOTION—Reconsider Action on LB 180

Mr. Simpson moved to reconsider action on passing LB 180 on Final Reading. The motion prevailed with 30 ayes, 1 nay and 18 not voting.

VISITORS

Speaker Proud introduced 64 4th & 5th grade students, 3 adults, and teachers Mrs. Nancy Kennedy and Miss Kim Riggs from Bellevue Public School, Bellevue.

Speaker Proud introduced 19 8th grade students from Blessed Sacrament School, Lincoln and teachers Mr. Allen Behne and Mrs. Sheila Kellenbarger.

Speaker Proud introduced 50 5th grade students, 4 adults and teachers Mrs. Clark and Mrs. Stroehele from Oakland Independent School, Oakland, Iowa.

ADJOURNMENT

At 4:07 p.m., on a motion by Mr. Wiltse, the Legislature adjourned until 9:00 a.m., Thursday, May 3, 1973.

Vincent D. Brown
Clerk of the Legislature

SEVENTY-FIFTH DAY—MAY 3, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

SEVENTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 3, 1973

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Proud presiding.

PRAYER

The prayer was offered by Reverend Everett Franklin Hezmall, Associate Pastor of Westminister Presbyterian Church, Lincoln.

> Eternal God, without whom life has no spiritual source, no ultimate meaning or destiny; but with whom there is renewal of purpose and hope for the future, we turn now unto You.
>
> Refresh our faith that the strain of life may not break our spirits. We confess our temptation to measure our lives by the standards of the crowd; Grant us such clarity of wisdom, independence of mind and courage of will that we may live according to our best conscience—without fear or favor of the multitude.
>
> Mindful, O God, our Father, that nations have risen and fallen away; save us from the decline of pure religion, from failure of moral fiber in our citzenship, from the vulgarity of life, the loss of social conscience, and the collapse of national character.
>
> Let our public life be the expression of our personal integrity. Father, uphold us with your divine Spirit, that in freedom and love we shall serve our fellowmen.
>
> In the Spirit of Christ we pray, Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Fellman and Skarda who were excused; Mr. F. Lewis who was excused until 11:00 a.m.; Mr. Cavanaugh who was absent until 9:20 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventy-fourth Day was approved.

UNANIMOUS CONSENT—Member Excused

Mr. Savage asked unanimous consent to be excused at 10:45 a.m. until he returns this afternoon. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 75.

A BILL FOR AN ACT to amend sections 23-149, 23-214, 23-215, 23-227, 23-234, 23-237, 23-238, 23-241, 23-242, 23-250, 23-252, 23-253, 23-257, 23-259, 23-260, 23-283, 23-287, 23-293, and 39-1520.01, Reissue Revised Statutes of Nebraska, 1943, relating to counties under township organizations; to harmonize with other legislation; and to repeal the original sections, and also sections 23-216, 23-217, 23-218, 23-220, 23-221, 23-232, 23-233, 23-235, 23-240, 23-244, 23-256, 23-280, 39-1524.01, 39-1525, and 39-1526, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Chambers
Clark
DeCamp
Dickinson
Duis
Epke
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Kremer
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Nore
Proud
Rasmussen
Richendifer
Savage
Simpson
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 5:

Cavanaugh
Fellman
F. Lewis
Schmit
Skarda

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 294.

A BILL FOR AN ACT relating to revenue and taxation; to require payments in lieu of taxes with respect to certain hospitals as prescribed.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Chambers
Clark
DeCamp
Dickinson
Duis
Epke
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Kremer
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Nore
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 4:

Cavanaugh
Fellman
F. Lewis
Skarda

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 297.

A BILL FOR AN ACT relating to retirement systems; to provide for qualified actuaries for certain purposes as prescribed.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Clark
DeCamp
Dickinson
Duis
Epke
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Kremer
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Nore
Proud

Rasmussen	Richendifer	Savage	Schmit	Simpson
Snyder	Stahmer	Stromer	Stull	Syas
Waldron	Warner	Whitney	Wiltse	

Voting in the negative, 0.

Not voting, 5:

Cavanaugh	Chambers	Fellman	F. Lewis	Skarda

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 320.

A BILL FOR AN ACT to amend sections 48-418, 48-418.09, and 48-418.12, Reissue Revised Statutes of Nebraska, 1943, relating to labor; to revise standards for elevator inspections; to increase the fees for elevator inspections; and to repeal the original sections.

Whereupon the Speaker stated: "All proovisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	DeCamp	Dickinson	Duis	Epke
Fowler	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kremer	Luedtke	Mahoney
Maresh	Marsh	Marvel	Moylan	Murphy
Nore	Proud	Rasmussen	Richendifer	Savage
Schmit	Simpson	Stahmer	Stull	Syas
Waldron	Warner	Whitney	Wiltse	

Voting in the negative, 5:

Clark	Kime	R. Lewis	Snyder	Stromer

Not voting, 5:

Cavanaugh	Chambers	Fellman	F. Lewis	Skarda

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 333.

A BILL FOR AN ACT to amend sections 48-624 and 48-669, Revised Statutes Supplement, 1972, relating to the Employment Security Law; to increase the maximum weekly benefit amount; to provide for transition; and to repeal the original sections.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	Clark	DeCamp
Dickinson	Duis	Epke	Fowler	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kremer	R. Lewis	Luedtke	Mahoney	Maresh
Marsh	Marvel	Moylan	Murphy	Proud
Rasmussen	Richendifer	Savage	Schmit	Simpson
Snyder	Stahmer	Stromer	Stull	Syas
Waldron	Warner	Whitney	Wiltse	

Voting in the negative, 0.

Not voting, 5:

Fellman	Kime	F. Lewis	Nore	Skarda

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 338.

A BILL FOR AN ACT to amend sections 23-1112 and 23-1112.01, Reissue Revised Statutes of Nebraska, 1943, and section 84-306.03, Revised Statutes Supplement, 1972, relating to mileage allowances; to increase the mileage allowances as prescribed; and to repeal the original sections.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Barnett	Burbach	Carpenter	C. Carsten	F. Carstens
Cavanaugh	Chambers	Clark	DeCamp	Duis

Epke Fowler Goodrich Hasebroock Johnson
Kelly Kennedy Keyes Kime Kremer
R. Lewis Luedtke Mahoney Maresh Marsh
Moylan Murphy Proud Rasmussen Richendifer
Savage Schmit Simpson Snyder Stahmer
Stromer Stull Syas Waldron Warner
Whitney Wiltse

Voting in the negative, 0.

Not voting, 7:

Anderson Dickinson Fellman F. Lewis Marvel
Nore Skarda

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 340.

A BILL FOR AN ACT relating to state employment; to provide for sick leave as prescribed.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Anderson Barnett Burbach Carpenter C. Carsten
F. Carstens Cavanaugh Chambers Clark DeCamp
Dickinson Duis Epke Fowler Goodrich
Hasebroock Kelly Keyes Kremer R. Lewis
Luedtke Mahoney Maresh Marsh Marvel
Moylan Murphy Nore Proud Rasmussen
Richendifer Savage Schmit Simpson Snyder
Stahmer Stromer Stull Syas Waldron
Warner Whitney Wiltse

Voting in the negative, 0.

Not voting, 6:

Fellman Johnson Kennedy Kime F. Lewis
Skarda

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 368.

A BILL FOR AN ACT to amend section 39-773.01, Revised Statutes Supplement, 1972, relating to regulations governing the use of public roads; to change the provisions relating to trailer brakes as prescribed; and to repeal the original section.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
Clark
DeCamp
Dickinson
Duis
Epke
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Kremer
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Moylan
Murphy
Nore
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 4:

Fellman
F. Lewis
Marvel
Skarda

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 370.

A BILL FOR AN ACT relating to schools; to provide for access to personnel files as prescribed.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 26:

Barnett
Burbach
Carpenter
C. Carsten
Cavanaugh
Chambers
DeCamp
Duis
Epke
Fowler
Goodrich
Kelly
Keyes
R. Lewis
Luedtke

Mahoney
Marsh
Marvel
Richendifer
Savage
Schmit
Simpson
Snyder
Stromer
Waldron
Warner

Voting in the negative, 2:

Dickinson
Kime

Not voting, 21:

Anderson
F. Carstens
Clark
Fellman
Hasebroock
Johnson
Kennedy
Kremer
F. Lewis
Maresh
Moylan
Murphy
Nore
Proud
Rasmussen
Skarda
Stahmer
Stull
Syas
Whitney
Wiltse

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 422.

A BILL FOR AN ACT relating to schools; to provide procedures for termination or amendment of contracts; and to provide for construction.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Clark
DeCamp
Dickinson
Duis
Epke
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Kremer
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Nore
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Snyder
Stahmer
Stromer
Stull
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 5:

Chambers
Fellman
F. Lewis
Skarda
Syas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 481.

A BILL FOR AN ACT to amend section 48-702, Revised Statutes Supplement, 1972, relating to boilers; to eliminate hydrostatic testing of boilers; to require that boilers be certified as to their safety; to provide mandatory inspections of engines to be operated at a public show; and to repeal the original section.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Anderson
Barnett
Burbach
C. Carsten
F. Carstens
Cavanaugh
Clark
DeCamp
Dickinson
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Kremer
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Proud
Richendifer
Savage
Schmit
Simpson
Snyder
Stahmer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 6:

Carpenter
Chambers
Duis
R. Lewis
Nore
Rasmussen

Not voting, 5:

Epke
Fellman
F. Lewis
Skarda
Stromer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 487.

A BILL FOR AN ACT to amend section 28-844, Revised Statutes Supplement, 1972, relating to offenses against public peace; to extend provisions to any elected or appointed officials and include all political subdivisions; to provide a restriction; and to repeal the original section.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	Clark	Duis
Epke	Fowler	Goodrich	Hasebroock	Johnson
Kennedy	Keyes	Kremer	Luedtke	Mahoney
Maresh	Marsh	Moylan	Murphy	Nore
Rasmussen	Richendifer	Savage	Schmit	Simpson
Snyder	Stahmer	Stromer	Stull	Syas
Waldron	Warner	Whitney	Wiltse	

Voting in the negative, 0.

Not voting, 10:

DeCamp	Dickinson	Fellman	Kelly	Kime
F. Lewis	R. Lewis	Marvel	Proud	Skarda

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 493. With Emergency.

A BILL FOR AN ACT to amend sections 39-1701 and 39-1702, Reissue Revised Statutes of Nebraska, 1943, relating to county roads; to provide an alternative means of payment; to authorize the county board to designate and establish controlled access facilities as prescribed; to provide for municipal exercise of such authority; to repeal the original sections; and to declare an emergency.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	Clark	DeCamp
Dickinson	Duis	Epke	Fowler	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Kremer	R. Lewis	Luedtke	Mahoney
Maresh	Marsh	Marvel	Moylan	Murphy
Proud	Rasmussen	Richendifer	Savage	Schmit
Simpson	Snyder	Stahmer	Stromer	Stull
Syas	Waldron	Warner	Wiltse	

Voting in the negative, 1:

Nore

Not voting, 4:

Fellman F. Lewis Skarda Whitney

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 572.

A BILL FOR AN ACT to amend section 49-617, Revised Statutes Supplement, 1972, as amended by section 5, Legislative Bill 1, Eighty-third Legislature, First Session, 1973, relating to distribution of statutes; to change the distribution of statutes; and to repeal the original section.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Anderson Barnett Burbach Carpenter C. Carsten
F. Carstens Cavanaugh Chambers Clark Dickinson
Duis Epke Fowler Goodrich Johnson
Kelly Kennedy Keyes Kime Kremer
R. Lewis Mahoney Maresh Marsh Marvel
Moylan Nore Proud Rasmussen Richendifer
Savage Schmit Snyder Stahmer Stromer
Stull Waldron Warner Whitney Wiltse

Voting in the negative, 4:

DeCamp Hasebroock Luedtke Simpson

Not voting, 5:

Fellman F. Lewis Murphy Skarda Syas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION—Suspend Rules

Mr. Carpenter moved to suspend the Rules to consider all the Final Readings set for tomorrow. The motion prevailed with 32 ayes, 2 nays and 15 not voting.

UNANIMOUS CONSENT—Change of Hearing Room

Mr. Syas asked unanimous consent for the Constitutional Revision and Recreation Committee to use Room 2102 for their hearing this afternoon. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 226. With Emergency.

A BILL FOR AN ACT relating to courts; to amend, revise, and clarify provisions in accordance with the new county court system, to correct an error in Laws 1972, Legislative Bill 1032, respecting bond requirements; to amend sections 25-1631, 29-812, 29-2701, 29-2702, 29-2704, 29-2705, 29-2709, and 76-717, Reissue Revised Statutes of Nebraska, 1943, sections 11-119, 24-509, 24-511, 24-514, 24-516, 24-517, 24-524, 24-533, 24-543, 24-701, 24-703, 24-703.01, 25-1521, 25-1522, 29-504, 29-2703, 33-140, 39-796, and 42-108, Revised Statutes Supplement, 1972, and sections 39-794 and 39-795, Revised Statutes Supplement, 1972, as amended by sections 1 and 2 respectively, Legislative Bill 317, Eighty-third Legislature, First Session, 1973, and also sections 23-1115 and 29-2707, Reissue Revised Statutes of Nebraska, 1943, and section 29-616, Revised Statutes Supplement, 1972; to repeal the original sections; and to declare an emergency.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 37:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	Clark	DeCamp
Dickinson	Duis	Epke	Fowler	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kremer
Luedtke	Maresh	Marsh	Moylan	Murphy
Proud	Rasmussen	Simpson	Snyder	Stahmer
Stromer	Stull	Syas	Waldron	Warner
Whitney	Wiltse			

Voting in the negative, 0.

Not voting, 12:

Fellman	Goodrich	Kime	F. Lewis	R. Lewis
Mahoney	Marvel	Nore	Richendifer	Savage
Schmit	Skarda			

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 452. With Emergency.

A BILL FOR AN ACT relating to data processing; to create the Governmental Services Commission; to transfer the data processing division from the Department of Administrative Services to the commission; to provide for appointments and terms of office; to amend sections 81-1102, 81-1103, and 81-1108, Reissue Revised Statutes of Nebraska, 1943; to prohibit certain contracts; to provide severability; to provide an operative date; to repeal the original sections, and also sections 81-1116 and 81-1117, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Mrs. Marsh requested a roll call vote.

Voting in the affirmative, 27:

Barnett
Burbach
Carpenter
C. Carsten
Chambers
Clark
Duis
Epke
Johnson
Kelly
Kremer
R. Lewis
Luedtke
Marsh
Marvel
Murphy
Nore
Rasmussen
Schmit
Simpson
Snyder
Stahmer
Stromer
Stull
Warner
Whitney
Wiltse

Voting in the negative, 14:

Anderson
Cavanaugh
DeCamp
Fowler
Kennedy
Keyes
F. Lewis
Mahoney
Maresh
Moylan
Proud
Richendifer
Syas
Waldron

Not voting, 8:

F. Carstens
Dickinson
Fellman
Goodrich
Hasebroock
Kime
Savage
Skarda

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed with the emergency clause attached, the question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 27:

Barnett Burbach Carpenter C. Carsten Chambers
Clark Duis Epke Johnson Kelly
Kremer R. Lewis Luedtke Marsh Marvel
Murphy Nore Rasmussen Schmit Simpson
Snyder Stahmer Stromer Stull Warner
Whitney Wiltse

Voting in the negative, 14:

Anderson Cavanaugh DeCamp Dickinson Fowler
Kennedy Keyes Mahoney Maresh Moylan
Proud Richendifer Syas Waldron

Not voting, 8:

F. Carstens Fellman Goodrich Hasebroock Kime
F. Lewis Savage Skarda

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

LEGISLATIVE BILL 474.

A BILL FOR AN ACT to amend sections 25-1093, 25-1096, 25-1097, and 25-10,110, Reissue Revised Statutes of Nebraska, 1943, and section 25-1094, Revised Statutes Supplement, 1972, relating to civil procedure; to provide procedure for replevin of personal property; and to repeal the original sections.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Anderson Barnett Burbach C. Carsten F. Carstens
Cavanaugh Chambers DeCamp Dickinson Duis
Epke Fowler Goodrich Hasebroock Johnson
Kelly Kennedy Keyes Kime Kremer
F. Lewis R. Lewis Luedtke Maresh Marsh
Marvel Moylan Murphy Proud Rasmussen
Richendifer Savage Schmit Simpson Snyder
Stahmer Stromer Stull Syas Waldron
Warner Whitney Wiltse

Voting in the negative, 0.

Not voting, 6:

Carpenter Clark Fellman Mahoney Nore
Skarda

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 497. With Emergency.

A BILL FOR AN ACT relating to milk; to define terms; to provide for the detailed regulation of the production, handling, processing and distribution of Grade A condensed and dry milk products as prescribed; to provide powers and duties; to provide fees; to make certain acts unlawful; to provide procedures; to provide penalties; to provide for severability; and to declare an emergency.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Anderson Barnett Burbach Carpenter C. Carsten
F. Carstens Cavanaugh Chambers Clark DeCamp
Dickinson Duis Epke Fowler Goodrich
Hasebroock Johnson Kelly Kennedy Keyes
Kremer R. Lewis Luedtke Maresh Marsh
Marvel Moylan Murphy Nore Proud
Richendifer Schmit Simpson Snyder Stahmer
Stromer Stull Waldron Warner Whitney
Wiltse

Voting in the negative, 0.

Not voting, 8:

Fellman Kime F. Lewis Mahoney Rasmussen
Savage Skarda Syas

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 522. With Emergency.

A BILL FOR AN ACT to amend section 60-1701, Revised Statutes Supplement, 1972, relating to motor vehicles; to exempt certain vehicles from inspection as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Chambers
Clark
DeCamp
Dickinson
Duis
Epke
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kime
Kremer
F. Lewis
R. Lewis
Luedtke
Maresh
Marsh
Marvel
Moylan
Murphy
Nore
Proud
Richendifer
Schmit
Simpson
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 6:

Cavanaugh
Fellman
Mahoney
Rasmussen
Savage
Skarda

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION–May 4 Session

Mr. Chambers moved that when we adjourn today, we adjourn until 10:00 a.m. Monday, May 7. The motion lost with 21 ayes, 21 nays and 7 not voting.

UNANIMOUS CONSENT–Members Excused

Messrs. R. Lewis, Nore, Burbach, Simpson, Stahmer, Carpenter, Kime, Hasebroock, Goodrich, Keyes, Johnson, DeCamp, Warner, Epke, Schmit and Proud asked unanimous consent to be excused Friday, May 4. No objections. So ordered.

MOTION–May 4 Session

Mr. Whitney moved that when we adjourn today, we adjourn until 9:00 a.m. Friday, May 4. The motion prevailed with 25 ayes, 8 nays and 16 not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 55, 349 and 515.

Correctly Enrolled

The following bills were correctly enrolled: 75, 294, 297, 320, 333, 338, 340, 368, 370, 422, 481, 487, 493 and 572.

(Signed) John J. Cavanaugh, Chairman

SPEAKER SIGNS

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LB 75, LB 294, LB 297, LB 320, LB 333, LB 338, LB 340, LB 368, LB 370, LB 422, LB 481, LB 487, LB 493 and LB 572.

RESOLUTIONS

LEGISLATIVE RESOLUTION 60.

Introduced by Hasebroock, 18th District; Richendifer, 16th District; Carpenter, 48th District; Nore, 22nd District; Wiltse, 1st District; Snyder, 14th District; Kremer, 34th District; Luedtke, 28th District; Simpson, 46th District; Whitney, 44th District; Maresh, 32nd District; Johnson, 15th District; Moylan, 6th District; Waldron, 42nd District; Stahmer, 8th District; Keyes, 3rd District; Kelly, 35th District; Anderson, 37th District; Murphy, 17th District; Rasmussen, 41st District; Marsh, 29th District; Mahoney, 5th District; Fowler, 27th District; Skarda, 7th District; Clark, 47th District; Kime, 43rd District; Duis, 39th District; Chambers, 11th District; F. Lewis, 45th District; Burbach, 19th District; Syas, 13th District; Stull, 49th District; R. Lewis, 38th District; Savage, 10th District; Epke, 24th District; Goodrich, 20th District; Marvel, 33rd District; Schmit, 23rd District; F. Carstens, 30th District; Proud, 12th District; C. Carsten, 2nd District; Barnett, 26th District; Cavanaugh, 9th District; Dickinson, 31st District; Warner, 25th District; Kennedy, 21st District; Stromer, 36th District.

WHEREAS, Mrs. Anna Mielke of Bancroft, Cuming County, Nebraska, celebrated her one hundredth birthday on April 25, 1973; and

WHEREAS, Mrs. Mielke was born in Nebraska and, except for a short time as a child, has lived in this state all her life; and

WHEREAS, Mrs. Mielke suffered many of the hardships of pioneer life in Nebraska and her life has typified that of the early residents of this state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature is happy to take this occasion to pay tribute to Mrs. Anna Mielke on the occasion of her one hundredth birthday and to wish her many more years of happy, healthy life.
2. That a copy of this resolution be furnished to Mrs. Mielke.

LEGISLATIVE RESOLUTION 61.

Introduced by Stull, 49th District; Luedtke, 28th District; Simpson, 46th District; Nore, 22nd District; Wiltse, 1st District; Savage, 10th District; Kremer, 34th District; Hasebroock, 18th District; Whitney, 44th District; Maresh, 32nd District; Johnson, 15th District; Moylan, 6th District; Waldron 42nd District; Stahmer, 8th District; Keyes, 3rd District; Richendifer, 16th District; Barnett, 26th District; Snyder, 14th District; Schmit, 23rd District; Kelly, 35th District; Murphy, 17th District; Anderson, 37th District; Dickinson, 31st District; Fowler, 27th District; Cavanaugh, 9th District; Goodrich, 20th District; R. Lewis, 38th District; Clark, 47th District; Skarda, 7th District; Rasmussen, 41st District; Kime, 43rd District; F. Carstens, 30th District; Marsh, 29th District; Stromer, 36th District; Duis, 39th District; F. Lewis, 45th District; Epke, 24th District; C. Carsten, 2nd District; Mahoney, 5th District; Syas, 13th District.

WHEREAS, Fort Robinson, Nebraska played a major role in the history of the frontier; and

WHEREAS, Fort Robinson will have been in existence for one hundred years on March 5, 1974; and

WHEREAS, issuance of a commemorative stamp would be a fitting recognition and reminder to the public of Fort Robinson's place in history.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Commemorative Stamp Committee of the United States Postal Service is requested to issue a commemorative stamp in recognition of the hundredth anniversary of the founding of Fort Robinson.
2. That a copy of this resolution be sent to the United States Postal Service and the Bureau of Engraving.

MOTION—Return LB 180 to Select File

Mr. Johnson moved to return LB 180 to Select File for the following specific amendment:

1. In the Final Reading bill, page 2, line 13, insert "protection equipment devices, materials, furnishings, and other safeguards within the structure necessary to promote safety and reduce loss by fire," after the comma; and strike beginning with "from" in line 14 through "hospitals" in line 16 and show as stricken and insert "in assembly, educational, institutional, residential, mercantile, office, storage, and industrial-type occupancies as such structures are defined in the National Fire Protection Association Pamphlet Number 101 and associated pamphlets".

The motion prevailed with 26 ayes, 0 nays and 23 not voting.

SELECT FILE

LEGISLATIVE BILL 180. The Johnson specific amendment found in this day's Journal was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Re-engrossment.

MOTION—Return LB 162 to Select File

Mr. Luedtke moved to unbracket LB 162 and return it to Select File for the following specific amendments:

1. On page 2, line 3, insert "and each reporter of a separate juvenile court" after "reporter"; and in line 5 strike "district" and insert "~~district~~ appointing".
2. Insert a new section to read:
"Sec. 2. This act shall become operative on July 1, 1973.".
3. Renumber original section 2 as section 3.
4. Add a new section to read:
"Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".
5. In the title, insert "to include reporters of separate juvenile courts;" at the end of line 3; in line 4, insert "to provide the salary, oath, and term of service of reporters of separate juvenile courts;" after the semicolon; in line 6 strike "and" and insert "to provide

an operative date;"; and after "section" insert "; and to
declare an emergency".

The motion prevailed with 25 ayes, 0 nays and 24 not voting.

SELECT FILE

LEGISLATIVE BILL 162. The Luedtke specific amendments found in this day's Journal were adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Engrossment.

MOTION—Return LB 228 to Select File

Mr. Luedtke moved to unbracket LB 228 and return it to Select File for the following specific amendments:

1. On page 2, strike the sentence beginning in line 11 and amendments thereto.
2. In the title, lines 6 and 7, strike "to provide salaries for such reporters;".

The motion prevailed with 25 ayes, 0 nays and 24 not voting.

SELECT FILE

LEGISLATIVE BILL 228. The Luedtke specific amendments found in this day's Journal were adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Re-engrossment.

EXPLANATION OF VOTE

Had I been present, I would have voted "yes" on LB 370 on Final Reading this morning.

(Signed) George Syas

ANNOUNCEMENT

Mr. Chambers announced that the Government, Military and Veterans Affairs Committee would meet in Executive Session at 1:00 p.m. today in Room 1003.

UNANIMOUS CONSENT—Change of Order

Mr. Carpenter asked unanimous consent that LB 111 and LB 366 be placed at the top of General File for Wednesday, May 9. No objections. So ordered.

Mr. Cavanaugh asked unanimous consent to place LR 21 at the top of General File. No objections. So ordered.

MESSAGES FROM THE GOVERNOR

May 3, 1973

The Honorable Richard F. Proud, Speaker,
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. Speaker and Senators:

I am herewith transmitting three bills which require attention by your body.

The first of these is a bill to amend LB 259. The amendments are all within the total general fund amount of my budget as proposed. Included in this bill are amendments that I have previously submitted along with realignments I suggest since the budget was finalized.

The second bill is one allowing fees and cash fund options to the Health Department. This was a part of my budget recommendation, but this bill is necessary to allow the collections. If the bill is not passed, the Department would need an additional general fund appropriation of $334,000.

The third bill is the last supplemental appropriations bill for the 1972-73 fiscal year. In previous sessions, this annual appropriation has been introduced by the Appropriations Committee, but we have seen no indication of such consideration this year. In my budget recommendations of January 19, 1973, I allowed for $4.3 million for such supplemental appropriations, but finalized figures reduced this to less than $3.6 million as transmitted herewith. Approximately one-half of the general fund impact of this bill is due to the inadequate "A" bill funding for last year's court reform bill.

There is also still before your body a supplemental bill previously submitted, LB 505, for secondary sewage treatment funds for 1972-73. You also still have before you LB 542 introduced by your Labor Committee for funds for legitimate claims made against the state and approved by the Claims Board and your Committee.

All of the above items are part of my budget recommendations and were taken into consideration when I advised you of increased revenues and my outlines for possible income tax reductions. Any possible reduction in the sales tax, as I have outlined previously, is dependent on the use of revenue sharing funds.

I ask that the three bills be introduced by you as Speaker at my request.

Respectfully submitted,

(Signed) J. James Exon
Governor

JJE:fw

The Speaker asked the Assistant Clerk to take the bills to the Attorney General to see if the Constitution requires the Speaker to sign and introduce the bills.

May 2, 1973

Mr. Vince Brown
Clerk of the Legislature
State Captiol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Reengrossed Legislative Bill No. 496A, and Engrossed Legislative Bills Nos. 220, 244, 397, 411, 477, 491, 504, 496, 511, and 541.

These bills were signed by me on May 2, 1973 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

May 2, 1973

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bill No. 343.

This bill was signed by me on May 2, 1973 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

UNANIMOUS CONSENT—Change of Order

Mr. Mahoney asked unanimous consent to place LB 545 at the top of General File. No objections. So ordered.

Mr. Luedtke asked unanimous consent to place LB 573 after LB 580 on General File. No objections. So ordered.

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on May 3, 1973 at 11:30 a.m.: LB 75, LB 294, LB 297, LB 320, LB 333, LB 338, LB 340, LB 368, LB 370, LB 422, LB 481, LB 487, LB 493, and LB 572.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT FILE

LEGISLATIVE BILL 454. E & R amendments found in the Journal on page 1451 for the Seventy-fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 266. E & R amendments found in the Journal on page 1455 for the Seventy-fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 548. E & R amendment found in the Journal on page 1458 for the Seventy-fourth Day was adopted.

Advanced to E & R for Engrossment.

MOTION—Return LB 454 to Select File

Mr. Goodrich moved to return LB 454 to Select File for the following specific amendment:

To amend 60-320.1 to allow for the operation of motor vehicles purchased from the State of Nebraska or political sub-divisions.

Any purchaser of a vehicle from the State of Nebraska or any political sub-division may operate such vehicle for a period of 15 days for the purpose of obtaining proper registration. Upon demand of proper authority, satisfactory proof of ownership, which shall be either the certificate of title to such vehicle with assignment thereof duly executed, or a bill of sale which describes such vehicle with identification number, shall be presented by the person in charge of such vehicle for examination.

The motion prevailed with 26 ayes, 0 nays and 23 not voting.

SELECT FILE

LEGISLATIVE BILL 454. The Goodrich specific amendment found in this day's Journal was adopted with 27 ayes, 0 nays and 22 not voting

Advanced to E & R for Engrossment.

VISITORS

Speaker Proud introduced 40 Fourth grade students and 3 adults from Tri County School, DeWitt, and teachers, Mrs. Witfoth and Mr. Cotter.

Speaker Proud introduced 44 Grade school students from St. Bonaventure School, Columbus, and teachers, Mrs. Tom Kumpf, Mrs. Reiser, Mrs. Happ, and Mrs. Erma Becker.

Speaker Proud introduced 44 Fourth, Fifth and Sixth grade students and 5 adults from Rising City School, Rising City, and teachers Verneda Bahr and Lawrence Ditlmer.

Speaker Proud introduced 24 Eighth grade students and 4 mothers from St. Francis Assisi, Omaha, and teacher Sister M. Celine.

Speaker Proud introduced 36 Seniors from North Loup Scotia, Scotia, and sponsors, Mr. Albert Zuege and Mrs. Roxanne Wegner.

RECESS

At 11:51 a.m., on a motion by Hasebroock, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:03 p.m., Speaker Proud presiding.

The roll was called and all members were present except Messrs. Fellman and Skarda who were excused; Mr. Savage who was excused until he arrives; and Mr. Stahmer who was absent until 2:30 p.m.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 302, passed in the 1965 session of the Legislature, the attached is a list of all lobbyists who have registered between April 20 and May 3rd. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Vincent D. Brown
Clerk of the Legislature

Tews and Noren, Lincoln
Noren, Charles F. – Journal Star Printing Company, Nebraska Press Association
Tews, David D. – Journal Star Printing Company, Nebraska Press Association

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 312. Placed on Select File as amended.
E & R amendments to LB 312:

1. In line 3 of the F. Carstens amendment to page 2, line 16, insert an underscored period after "located".
2. In lieu of the Goodrich amendment, as amended by the Carpenter amendment, on page 2, lines 16 and 17, strike "two thousand six hundred feet" and show stricken and insert "three miles".
3. On page 2, line 13, strike "a" and insert "~~a~~"; in line 14, strike "facility" and insert "~~facility~~ facilities"; and in line 21 strike the second "office" and insert "~~office~~ offices".

LEGISLATIVE BILL 172. Placed on Select File as amended.
E & R amendments to LB 172:

1. On page 2, line 8, strike "sum" and insert "sums".
2. In standing committee amendment 1, line 2, strike "line 5" and insert "line 4".
3. In new section 2, line 2, insert "to be distributed" after "Fund"; in line 4, strike "memberships" and insert "membership" and strike "and" and insert a comma; in line 7, insert "under this section" after "funds" and strike "paid" and insert "made"; in line 8, strike ". These" and insert ", which"; and in line 12, strike ". This" and insert "which".

4. In the title, strike lines 2 to 5 and insert:
"FOR AN ACT relating to appropriations; to make appropriations
from the Revenue Sharing Trust Fund to the
School Foundation and Equalization Fund and the
State Department of Education; to provide for
the distribution of funds; and to declare an
emergency.".

Correctly Enrolled

The following bills were correctly enrolled: 226, 452, 474, 497, and 522.

(Signed) John J. Cavanaugh, Chairman

SPEAKER SIGNS

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 226, 452, 474, 497, and 522.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 581. By Proud, 12th District, at the Request of the Governor.

A BILL FOR AN ACT relating to appropriations; to amend sections 4, 5, 7, 16, 17, 18, 23, 26, 27, 30, 31, 48, 49, 50, 58, 60, and 66, Legislative Bill 1476, Eighty-second Legislature, Second Session, 1972; to change certain appropriations and personal services limitations; to amend sections 2, 3, 5, and 9, Legislative Bill 1513, Eighty-second Legislature, Second Session, 1972, and section 2, Legislative Bill 1516, Eighty-second Legislature, Second Session, 1972; to change appropriations for capital construction; to amend section 1, Legislative Bill 1281, Eighty-second Legislature, Second Session, 1972; to increase certain appropriations; to amend section 4, Legislative Bill 1032A, Eighty-second Legislature, Second Session, 1972; to change appropriations to the Supreme Court; to make an appropriation to the Nebraska Governor's Commission on the Status of Women; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 582. By Proud, 12th District, at the Request of the Governor.

A BILL FOR AN ACT relating to appropriations; to make appropriations for the period ending June 30, 1974; to amend sections 23 and 24, Legislative Bill 259, Eighty-third Legislature, First Session, 1973; to reduce certain appropriations; to eliminate restrictions; to make reappropriations; and to repeal the original sections.

LEGISLATIVE BILL 583. By Proud, 12th District, at the Request of the Governor.

A BILL FOR AN ACT relating to public health; to create funds and specify the source and use; to provide fees and increase fees; to provide for inspections, tests, and examinations; to amend sections 71-513, 71-605.02, 71-612, 71-623, 71-627, 71-634, 71-4305, and 71-4609, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original sections.

MOTION—Introduce Bill

Mr. Richendifer moved the introduction of a new bill by the Government, Military and Veterans Affairs Committee (Request No. 913). The motion prevailed with 30 ayes, 0 nays and 19 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 584. By the Government, Military and Veterans Affairs Committee: Chambers, 11th District, Chairman; Richendifer, 16th District; Carpenter, 48th District; Fowler, 27th District; Stull, 49th District; Barnett, 26th District.

A BILL FOR AN ACT to adopt the Nebraska Human Resources Act of 1973.

STANDING COMMITTEE REPORT
Miscellaneous Subjects

LEGISLATIVE BILL 577. Placed on General File.

(Signed) J. James Waldron, Chairman

GENERAL FILE

LEGISLATIVE BILL 580. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 534. Title read. Considered.

Standing Committee amendment found in the Journal on page 1085 for the Sixty-first Day was adopted.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on May 3, 1973 at 2:35 p.m. were the following: LB 226, LB 452, LB 474, LB 497 and LB 522.

(Signed) Barbara Jackson, Enrolling Clerk

REFERENCE COMMITTEE REPORT

LB	Committee
581	Appropriations
582	Appropriations
583	Appropriations
584	Government, Military and Veteran's Affairs

(Signed) Terry Carpenter, Chairman
Executive Board

SELECT COMMITTEE REPORT
Committee on Committees

May 3, 1973

The Committee on Committees desires to report favorably upon the appointments listed below which were submitted by Governor J. James Exon. The Committee suggests that the appointments be confirmed by the Legislative Body and suggests a record vote:

John A. Mason – Oil and Gas Conservation Commission

Committee Vote: For: (7) Senators Barnett, Johnson, Luedtke, Nore, Stahmer, Stromer and Wiltse

Against: None

Absent and not voting: (6) Senators Chambers, Duis, Epke, Snyder, Stull and Whitney

John C. Mitchell – Board of Educational Lands and Funds

Committee Vote: For: (7) Senators Barnett, Johnson, Luedtke, Nore, Stahmer, Stromer, and Wiltse

Against: None

Absent and not voting: (6) Senators Chambers, Duis.

Epke, Snyder, Stull and Whitney

Dick L. Flynn – Motor Vehicle Industry Licensing Board

Committee Vote: For: (7) Senators Barnett, Johnson, Luedtke, Nore, Stahmer, Stromer, and Wiltse

Against: None

Absent and not voting: (6) Senators Chambers, Duis, Epke, Snyder, Stull and Whitney

Respectfully submitted,

(Signed) Wally Barnett, Vice-Chairman
Committee on Committees

PRESIDENT MARSH PRESIDING

GENERAL FILE

LEGISLATIVE BILL 573. Title read. Considered.

Standing Committee amendments found in the Journal on page 1377 for the Seventy-first Day were adopted.

Mr. Luedtke offered the following amendment which was adopted:
Number second paragraph as Sec. 2.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 545. Title read. Considered.

Mr. Whitney offered the following amendment which was adopted:
1. On page 2, lines 6 and 11, insert "and
Merit System Office for Merit System Agencies" after
"Personnel".

Advanced to E & R for Review with 34 ayes, 0 nays and 15 not voting.

LEGISLATIVE RESOLUTION 21. Read and considered.

MESSAGE FROM THE GOVERNOR

May 3, 1973

Mr. President, Mr. Speaker,
and Members of the Legislature
Nebraska State Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

I return herewith LB 452 without my signature and with my objections.

No long, detailed message in this regard is necessary.

You are all familiar with my firm belief that this measure is a serious attempt at legislative invasion of the executive and erosion of the traditional separation of powers. It seeks to impair if not emasculate the ability and effectiveness of the Governor to exercise his constitutional duties as Chief Executive in administering and controlling state government and the monitoring of expenditures as appropriated by your honorable body.

I find no general support for the measure, and it has been publicly opposed by the three Governors who have worked with the Department of Administrative Services under their administrations.

I will sincerely appreciate your sustaining my veto of this far-reaching and ill-founded bill.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:fw

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 445A. By F. Lewis, 45th District.

A BILL FOR AN ACT to appropriate one million six hundred thousand dollars from the state General Fund for the period of July 1, 1973 to June 30, 1974 to the Public Employees Retirement Board, Agency No. 47 for Program 515, Public Employees Retirement, to aid in carrying out the provisions of Legislative Bill 445, Eighty-third Legislature, First Session, 1973.

MOTION–Suspend Rules

Mr. Marvel moved to suspend the rules for the Appropriations Committee to hold a public hearing on LB 581, LB 582 and LB 583 on May 8, 1973 at 12:00 Noon in Room 1003. The motion prevailed with 30 ayes, 0 nays and 19 not voting.

UNANIMOUS CONSENT—Change of Order

Mr. Carpenter asked unanimous consent to consider LB 533 on General File Monday, May 7, 1973 after LB 286 and LB 358. No objections. So ordered.

VISITORS

Speaker Proud introduced 19 8th grade students from Sacred Heart School, Papillion and teachers Rev. Theodore L. Richling and Sister Rosetta.

Speaker Proud introduced 43 8th grade students from St. Joan of Arc School, Omaha and teachers Miss Rochford and Miss Grandgenett.

ADJOURNMENT

At 4:00 p.m., on a motion by Mr. Stull, the Legislature adjourned until 9:00 a.m., Friday, May 4, 1973.

Vincent D. Brown
Clerk of the Legislature

SEVENTY-SIXTH DAY—MAY 4, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

SEVENTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, May 4, 1973

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Marsh presiding.

PRAYER

The prayer was offered by the Chaplain.

> Another week of big things and little things now approaches its end, O Lord our God, and we seek Divine help once more, as we pursue the work of the day, then go to our homes.
>
> Even now we know that when we go, it will be with a sense of satisfaction because of our accomplishments, and unhappiness due to our failures . . . for we have been party to both this week!
>
> For the sake of the work remaining to be done, strengthen the ties that bind us together as members of one family in this House, and weaken the forces that would divide us. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Burbach, Fellman, Johnson, Proud, Simpson and Stahmer who were excused.

CORRECTIONS FOR THE JOURNAL

Page 1482, line 27, delete "83.6" and insert "$3.6".
The Journal for the Seventy-fifth Day was approved as corrected.

UNANIMOUS CONSENT—Member Excused

Mr. Kime asked unanimous consent to be excused at noon today and next week until he returns. No objections. So ordered.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 454. Replaced on Select File as amended.
E & R amendments to LB 454:

1. In lieu of the Goodrich amendment, insert a new section to read:

"Sec. 4. That section 60-320.01, Revised Statutes Supplement, 1972, be amended to read as follows:

60-320.01. Any person purchasing a motor vehicle in this state other than from a licensed dealer in motor vehicles shall not operate such motor vehicle in this state without registration except as provided in this section. Such purchaser may operate such motor vehicle for a period not to exceed fifteen days for the purpose of securing registration for such motor vehicle. Upon demand of proper authorities, there shall be presented by the person in charge of such vehicle, for examination, the certificate of title to such vehicle with assignment thereof duly executed; Provided, when such vehicle is purchased from a nonresident the person in charge of such vehicle shall present upon demand proper evidence of ownership from the state where such vehicle was purchased.

Any person, firm, or corporation in this state engaged in the business of equipping or modifying motor vehicles which are not registered and which are not owned by such person, firm, or corporation may cause the motor vehicle to be operated without registration solely for the purpose of equipping, modifying, and delivering such motor vehicle. Upon demand of proper authorities, the operator of such motor vehicle shall present written authorization from such person, firm, or corporation for delivery of the motor vehicle.

Any purchaser of a vehicle from the State of Nebraska or any political subdivision of the state may operate such vehicle for a period of fifteen days for the purpose of obtaining proper registration. Upon demand of proper authority, satisfactory proof of ownership, which shall be either the certificate of title to such vehicle with assignment thereof duly executed or a bill of sale which describes such vehicle with identification number, shall be presented by the person in charge of such vehicle for examination.".

2. Renumber original section 4 as section 5, and in line 1 thereof as amended, and in the title, line 2, as amended, strike "section 60-305.09" and insert "sections 60-305.09 and 60-320.01".

3. In the original title, line 8, insert "to provide for the temporary operation of certain vehicles without registration;" after the semicolon.

(Signed) John J. Cavanaugh, Chairman

UNANIMOUS CONSENT—Print in Journal

Mr. Syas asked unanimous consent to print the following amendment to LB 432 in the Journal. No objections. So ordered.

1. On page 2 strike lines 4 to 11 and insert "on a regional basis, starting in the area which consists of".
2. On page 2 strike lines 18 to 21 starting with "Such" on line 18.
3. On page 2 line 24 insert after "act" the following: "administered through the framework of the existing Nebraska School for the Deaf".

SELECT FILE

LEGISLATIVE BILL 312. E & R amendments found in the Journal on page 1486 for the Seventy-fifth Day were adopted.

Mr. Schmit offered the following amendment:

Strike the Goodrich amendments, as amended by the Carpenter amendment, adopted on May 2, page 1457 of the Journal.

Mr. Schmit asked unanimous consent to withdraw his amendment. Mr. Carpenter objected. Mr. Carpenter withdrew his objections. The Schmit amendment was withdrawn. No objections. So ordered.

Mr. Carpenter offered the following amendments:

1. On page 2 insert a new section 1 as follows:

"Section 1. That section 8-122, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-122. After the examination and approval by the department of the application required by section 8-120, if the department upon investigation and after the public hearing on the application shall be satisfied that the stockholders and officers of the corporation applying for such charter are parties of integrity and responsibility, that the requirements of section 8-702 have been met, and that the public necessity, convenience, and advantage will be promoted by permitting such corporation to engage in business as a bank, the department shall, upon the payment of the required fees, and, upon the filing with the department of a statement, under oath, of the president, secretary, or treasurer, that the paid-up capital stock, surplus and undivided profits have been paid in, as determined by the department, issue to such corporation a charter to transact the business of a bank in this state provided for in its articles of incorporation; Provided, that each incorporated city or village in this state shall be entitled to at least one state bank charter, after a corporation organized for the purpose of conducting a bank in such city or village has complied with the laws of this state. On payment of the required fees and the receipt of the charter, such corporation may begin to conduct a bank.".

2. On page 3, line 1, strike "section" and insert "sections 8-122 and"; in line 2 strike "is" and insert "are".

3. Renumber original sections 1 and 2 as sections 2 and 3 respectively.

The amendment lost with 18 ayes, 16 nays and 15 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 172. E & R amendments found in the Journal on page 1486 for the Seventy-fifth Day were adopted.

Laid over at the request of Mr. F. Lewis.

UNANIMOUS CONSENT—Unbracket LB 435

Mr. Snyder asked unanimous consent to unbracket LB 435 on E & R Final. No objections. So ordered.

MOTION—Return LB 435 to Select File

Mr. Snyder moved to return LB 435 to Select File for the following specific amendments:

1. Strike Stahmer amendment on Select File found in the Journal on page 1366 of the Journal for April 18 and insert the following:

2. Section 1, Page 2, Line 11
After the word "caucus" add the following new language:
"which caucus is to be held in lieu of a primary election"

3. Section 1, Page 2, Line 12
Strike the following language "~~two or more~~"

4. Section 1, Page 2, Line 12
After "district", insert the following new language: "twice the number of"

5. Section 1, Page 2, Line 22
After the word "caucus" insert the following new language:
"who shall be the chairman of the board of education"

The motion prevailed with 26 ayes, 0 nays and 23 not voting.

SELECT FILE

LEGISLATIVE BILL 435. The Snyder specific amendments found in this day's Journal lost with 15 ayes, 11 nays and 23 not voting.

Advanced to E & R for Engrossment.

MOTION–Return LB 435 to Select File

Mr. Nore moved to return LB 435 to Select File for the following specific amendment:

Strike the Stahmer amendment.

The motion prevailed with 25 ayes, 0 nays and 24 not voting.

SELECT FILE

LEGISLATIVE BILL 435. The Nore specific amendment found in this day's Journal was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT–Unbracket LB 311 and LB 311A

Mr. Carpenter asked unanimous consent to unbracket LB 311 and LB 311A on Select File. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 311. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 311A. Advanced to E & R for Engrossment.

UNANIMOUS CONSENT–Approve Appointments

Mr. Barnett asked unanimous consent to approve the following Governor's appointments found in the Journal on page 1489-1490 for the Seventy-fifth Day in one vote. No objections. So ordered.

John A. Mason – Oil and Gas Conservation Commission
John C. Mitchell – Board of Educational Lands and Funds
Dick L. Flynn – Motor Vehicle Industry Licensing Board

Voting in the affirmative, 33:

Anderson
Chambers
Keyes
Mahoney
Murphy
Snyder
Warner
Barnett
Clark
Kime
Maresh
Nore
Stromer
Whitney
Carpenter
Epke
Kremer
Marsh
Rasmussen
Stull
Wiltse
C. Carsten
Fowler
F. Lewis
Marvel
Savage
Syas
Cavanaugh
Kennedy
Luedtke
Moylan
Skarda
Waldron

Voting in the negative, 0.

Not voting, 16:

Burbach	F. Carstens	DeCamp	Dickinson	Duis
Fellman	Goodrich	Hasebroock	Johnson	Kelly
R. Lewis	Proud	Richendifer	Schmit	Simpson
Stahmer				

The appointments were confirmed with 33 ayes, 0 nays and 16 not voting.

MOTION—Postage

Mr. Carpenter moved that the Executive Board be authorized to purchase $160.00 worth of stamps for the official use only by the Lt. Governor.

The motion prevailed with 26 ayes, 0 nays and 23 not voting.

UNANIMOUS CONSENT—Bracket LB 472

Mr. Warner asked unanimous consent to bracket LB 472 on General File for May 10. No objections. So ordered.

UNANIMOUS CONSENT—Unbracket LB 499

Mr. Barnett asked unanimous consent to unbracket LB 499 and set it for discussion on General File for May 10. No objections. So ordered.

GENERAL FILE

LEGISLATIVE RESOLUTION 21. Considered.

Mr. Kelly moved the previous question. The question is, "Shall the debate now cease?" The motion prevailed with 28 ayes, 0 nays and 21 not voting.

LR 21 was adopted with 29 ayes, 0 nays and 20 not voting.

UNANIMOUS CONSENT—Change of Order

Mr. Savage asked unanimous consent to consider LR 23 on General File at this time. No objections. So ordered.

UNANIMOUS CONSENT—Members Excused

Messrs. Hasebroock and F. Carstens asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

GENERAL FILE

LEGISLATIVE RESOLUTION 23. Read and Considered.

Mrs. Marsh offered the following amendment:

1. In line 5 of paragraph 1, after "sickness," insert "sex, race, political belief, nationality, conviction for crime,".

Mr. Barnett asked unanimous consent to have the amendments to LR 23 copied and placed on the members desks to take up this afternoon. Mr. Carpenter objected.

Mr. Barnett moved to have the copies of the amendments made and placed on the members desks to consider this afternoon.

Mr. Carpenter requested a record vote.

Voting in the affirmative, 12:

Barnett
Cavanaugh
Chambers
Clark
Fowler
Goodrich
Kelly
Luedtke
Maresh
Marsh
Murphy
Whitney

Voting in the negative, 22:

Anderson
Carpenter
C. Carsten
Dickinson
Duis
Epke
Kennedy
Keyes
Kremer
Mahoney
Marvel
Moylan
Nore
Richendifer
Savage
Schmit
Skarda
Stromer
Stull
Syas
Waldron
Wiltse

Not voting, 15:

Burbach
F. Carstens
DeCamp
Fellman
Hasebroock
Johnson
Kime
F. Lewis
R. Lewis
Proud
Rasmussen
Simpson
Snyder
Stahmer
Warner

The motion lost with 12 ayes, 22 nays and 15 not voting.

Mr. Maresh moved the previous question on the Marsh amendment. The question is, "Shall the debate now cease?" The motion prevailed with 27 ayes, 1 nay and 21 not voting.

Mrs. Marsh asked unanimous consent to withdraw her amendment. No objections. So ordered.

Mr. Chambers moved to indefinitely postpone.

Mr. Carpenter moved the previous question. The question is, "Shall the debate now cease?" the motion prevailed with 25 ayes, 11 nays and 13 not voting.

Mr. Goodrich requested a record vote on the Chambers motion to indefinitely postpone.

Voting in the affirmative, 4:

Barnett
Chambers
Fowler
Marsh

Voting in the negative, 33:

Anderson
Carpenter
C. Carsten
Cavanaugh
Clark
Dickinson
Duis
Epke
Goodrich
Kelly
Kennedy
Keyes
Kremer
F. Lewis
Luedtke
Mahoney
Maresh
Marvel
Moylan
Murphy
Nore
Rasmussen
Richendifer
Savage
Schmit
Skarda
Snyder
Stromer
Stull
Syas
Waldron
Warner
Wiltse

Not voting, 12:

Burbach
F. Carstens
DeCamp
Fellman
Hasebroock
Johnson
Kime
R. Lewis
Proud
Simpson
Stahmer
Whitney

The motion lost with 4 ayes, 33 nays and 12 not voting.

MESSAGES FROM THE GOVERNOR

May 3, 1973

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 75, 121, 225, 294, 320, 338, 368, 370, 372, 399, 422, 481, 487, 469, 509, 540, and 572.

These bills were signed by me on May 3, 1973 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

May 3, 1973

Mr. Vince Brown
Clerk of the Legislature
State House
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bill No. 333.

This bill was signed by me on May 3, 1973 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

MOTION—Recess

Mr. Wiltse moved to recess until 2:00 p.m. The motion lost with 7 ayes, 26 nays and 16 not voting.

GENERAL FILE

LEGISLATIVE RESOLUTION 23. Considered.

Mr. Savage moved to reject the following R. Lewis amendment:

After the word "session" in the operative portion of the resolution amend it to say:

1. That the Congress of the United States take appropriate action to adopt a Constitutional Amendment that will guarantee the explicit protection of all unborn human life by extending appropriate Constitutional Rights, including due process of law, and will guarantee that no human will be denied protection of law or be deprived of life on account of age, sickness, or condition of dependency or wantedness.
2. That the Clerk of the Legislature transmit a copy of this Resolution to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, each member of the Nebraska Congressional delegation, each member of the United States Supreme Court, and to the legislatures of each of the several states.

Mr. Goodrich moved to suspend the Rules to allow Mr. R. Lewis to amend LR 23 on Select File with a majority vote. The Chair ruled the motion out of order.

Mr. Savage moved the previous question on the motion to reject the R. Lewis amendment. The question is, "Shall the debate now cease?"

The motion prevailed with 26 ayes, 5 nays and 18 not voting.

The R. Lewis amendment was rejected with 27 ayes, 5 nays and 17 not voting.

Mr. Savage moved to advance LR 23 to E & R for Review.

Mr. Savage moved the previous question. The question is, "Shall the debate now cease?" The motion prevailed with 26 ayes, 1 nay and 22 not voting.

Advanced to E & R for Review with 33 ayes, 3 nays and 13 not voting.

MOTION—Adjournment

Mr. Waldron moved to adjourn until 10:00 a.m., Monday, May 7. The motion lost with 17 ayes, 18 nays and 14 not voting.

UNANIMOUS CONSENT—Members Excused

Mr. Waldron and Mrs. Marsh asked unanimous consent to be excused this afternoon. No objections. So ordered.

VISITORS

President Marsh introduced Mr. Derrell D. Brown of Roseville, California, brother of Clerk Vincent D. Brown.

President Marsh introduced 14 Grade school students and 4 adults from Rural No. 6 School, Tecumseh.

President Marsh introduced 22 Grade school students and 3 adults from Ralston Middle School, Ralston.

President Marsh introduced 12 Grade school students and 4 adults from Otoe County School, Union and teacher Mrs. Eunice Snyder.

President Marsh introduced 16 Fourth grade students and 2 adults from Table Rock School, Table Rock, and teacher Mrs. Tanner.

President Marsh introduced 24 Fourth grade students and 5 sponsors from Nemaha Valley School, Cook, and teacher Lucille Oestmann.

President Marsh introduced 22 Grade school students and 5 adults from 95R Winside School, Winside, and teacher Mrs. Gladys Reichart.

President Marsh introduced 15 Third and Fourth grade students from Surprise 1-R School, Surprise, and teacher Mrs. Lichliter.

President Marsh introduced Mr. Stan Porras from the Mexican-American Commission.

President Marsh introduced 54 Fourth grade students from Plainview Elementary School, Plainview, and teachers Mrs. Scranton, Mrs. Hite and Mrs. Johnson.

President Marsh introduced 15 Fourth through Eighth grade students from District No. 28, Lyons, and teacher Mrs. Fae Redding.

RECESS

Mr. Stull moved to recess until 2:00 p.m. The motion prevailed with 21 ayes, 6 nays and 22 not voting.

AFTER RECESS

The Legislature reconvened at 2:00 p.m., President Marsh presiding.

The roll was called and all members were present except Messrs. Burbach, F. Carstens, Fellman, Hasebroock, Johnson, Kime, R. Lewis, Proud, Stahmer and Waldron who were excused.

UNANIMOUS CONSENT–Members Excused

Messrs. Clark and Duis asked unanimous consent to be excused the remainder of the day. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 580. Placed on Select File.

LEGISLATIVE BILL 534. Placed on Select File as amended.
E & R amendments to LB 534:
1. In standing committee amendment 1, line 1, strike "stored" and insert "storage".
2. On page 5, line 16, strike the comma; and in line 27 strike "the".

3. On page 6, line 14, strike "subsection" and insert "section".

LEGISLATIVE BILL 573. Placed on Select File as amended.
E & R amendments to LB 573:

1. In standing committee amendment, line 2, insert "Section 1." before "Any"; and in the second paragraph insert "Sec. 2." before "Any".
2. Renumber original sections 2 and 3 as sections 3 and 4.
3. In the title, strike lines 2 to 5 and insert:

"FOR AN ACT relating to retirement; to provide for
participation in state retirement plans of
certain county employees whose status has been
changed by the Legislature to state employees
or judges; to provide an operative".

LEGISLATIVE BILL 545. Placed on Select File as amended.
E & R amendment to LB 545:

1. In the Whitney amendment, insert "the" at the end of line 1.

Correctly Engrossed

The following bills were correctly re-engrossed: 180 and 228; the following bills were correctly engrossed: 162, 266 and 548.

(Signed) John J. Cavanaugh, Chairman

MOTION—Reconsider Action on LB 435

Mr. Nore moved to reconsider action on advancing LB 435 to E & R Final. The motion prevailed with 25 ayes, 0 nays and 24 not voting.

SELECT FILE

LEGISLATIVE BILL 435. Mr. Nore moved to readvance LB 435 to Final Reading. The motion prevailed with 26 ayes, 0 nays and 23 not voting.

UNANIMOUS CONSENT—Change of Order

Mr. F. Lewis asked unanimous consent to consider LB 445A on General File at this time. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 445A Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 149. Title read. Considered.

Laid over at the request of Mr. Kremer.

UNANIMOUS CONSENT—Bracket LB 275

Mr. Fowler asked unanimous consent to bracket LB 275 on General File. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 484. Title read. Considered.

Standing Committee amendment found in the Journal on page 904 for the Fifty-fourth Day was adopted.

Mr. Carpenter offered the following amendment, which was adopted:

1. On page 2, strike line 3; in line 4 strike "be apportioned" and insert "Law 92-500, the Federal Water Pollution Control Act Amendments of 1972, shall be annually apportioned among Nebraska communities based principally on need with approval of the state's continuing planning process pursuant to section 303 (e) of the federal act under which federal participation is contingent. The state shall, as nearly as possible, apportion such funds".

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

RULING OF CHAIR

The Chair ruled to pass over any controversial bills this afternoon or amendments if the introducer of the amendment is excused.

Mr. Barnett appealed the ruling of the Chair. The question is, "Shall the Chair be sustained?" The motion prevailed with 18 ayes, 7 nays and 24 not voting.

GENERAL FILE

LEGISLATIVE BILL 315. Title read. Considered.

Standing Committee amendment found in the Journal on page 928 for the Fifty-fifth Day was adopted.

Advanced to E & R for Review with 29 ayes, 2 nays and 18 not voting.

UNANIMOUS CONSENT—Member Excused

Mr. Stromer asked unanimous consent to be excused the remainder of the day. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 299. Title read. Considered.

Standing Committee amendments found in the Journal on page 937 for the Fifty-sixth Day were adopted.

Advanced to E & R for Review with 26 ayes, 1 nay and 22 not voting.

LEGISLATIVE BILL 485. Title read. Considered.

Standing Committee amendments found in the Journal on page 952 for the Fifty-sixth Day were adopted.

Mr. Goodrich offered the following amendment:

Amend the bill by striking the period and re-insert the semi-colon and the word "and" in line 22, section 4 page 4; re-insert all the stricken language in lines 23, 24, 25, 26, 27 in section 4 page 4 and line 1 page 5; insert a period after the word "reports" in line 7 section 5 and strike all the language in lines 8, 9, 10, 11, 12 and 13 in section 5 page 5.

Mr. Carpenter offered the following amendment to the Goodrich amendment.

Reinsert new matter in line 10 after "Interest" on lines 11, 12, and 13.

The Carpenter amendment was adopted.

The Goodrich amendment, as amended was adopted.

Advanced to E & R for Review with 28 ayes, 1 nay and 20 not voting.

UNANIMOUS CONSENT—Member Excused

Mr. Barnett asked unanimous consent to be excused the remainder of the afternoon. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 341. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

STANDING COMMITTEE REPORT
Appropriations

LEGISLATIVE BILL 579. Placed on General File.

(Signed) Richard Marvel, Chairman

ATTORNEY GENERAL'S OPINION

May 4, 1973

Hon. Roland A. Luedtke, Chairman
Judiciary Committee
Nebraska State Legislature
State Capitol
Lincoln, Nebraska

Dear Senator Luedtke:

Some of the language selected for the Committee statement on L. B. 524 could leave the impression that I appeared on the bill and favor all of its provisions. I was at the Committee hearing on another matter and I do favor an increase in the size of the Board of Parole for the reason that one full time member and two part time members cannot possibly accomplish in a proper fashion all of the duties imposed upon them by law.

In connection with increasing the size of the Board, I did suggest that it would avoid future confusion if the terms of the newly appointed members commenced and ended on the same date as that of the present members. The terms of present members date from September 9 of the year in which they were first appointed, so some degree of consistency could be achieved if in line 19 of Sec. 2 of the amendments which would change Sec. 83-189, were changed by striking the period after the word "act" and substituting a comma, and then adding the following new language: "but the terms of such new members shall be deemed to commence on September 9, 1973."

The Attorney General could not be in favor of Sec. 1 of the amendments which would amend Sec. 83-184 to remove the requirement that the Board of Parole must approve the release of prisoners for furloughs and work release. Such an amendment would be in direct conflict with Sec. 13 of Article IV of our Constitution. Only the Board of Parole or the Board of Pardons can authorize a confined prisoner to leave the Institution during his term. I would also oppose such a change as a citizen, because we have had Wardens in the distant past, and we could again have in the future, who should not have the unsupervised authority to release prisoners for unlimited periods of time.

I also at that time questioned the advisability of the amendment proposed for Sec. 83-1,120 (Sec. 7, page 8 of the proposed amendments). The remainder of this letter is taken from a memorandum prepared for me by Assistant Attorney General Mel Kammerlohr, in which he very adequately outlines why such an amendment is questionable:

"Page 8 of the proposed amendments to the above bill amends 83-1,120 to provide a procedure for a parole revocation hearing. The procedure proposed in this amendment would require that the parolee be permitted, among other things, to be represented by counsel, and to cross-examine adverse witnesses.

"This proposed amendment goes much further than the Supreme Court of the United States required in the recent case of Morrissey v. Brewer, 33 L. Ed. 2d 484 (June 29, 1973).

"In the first place, a hearing was only required by that case after the independent parole officer had made an investigation and recommended a parole revocation. Your committee's amendment would require a hearing whenever the parolee was charged with a violation whether or not revocation or some lesser action was recommended.

"As to the actual conduct of the hearing when a final decision was to be made upon the revocation by the parole authority, the Supreme Court set forth the following minimum requirements:

> " '* * *. They include (a) written notice of the claimed violations of parole; (b) disclosure to the parolee of evidence against him; (c) opportunity to be heard in person and to present witnesses and documentary evidence; (d) the right to confront and cross-examine adverse witnesses (unless the hearing officer specifically finds good cause for not allowing confrontation); (e) a "neutral and detached" hearing body such as a traditional parole board, members of which need not be judicial officers or lawyers; and (f) a written statement by the factfinders as to the evidence relied on and reasons for revoking parole. * * *.'

"You will note that the United States Supreme Court specifically exempted cross-examination when the hearing officer found good cause for doing so which, from the Court's discussion, would apply 'if the hearing officer determines that the informant would be subjected to risk or harm if his identity were disclosed, he need not be subjected to confrontation and cross-examination.'

"Nowhere did the Court require that the parolee be entitled to counsel but specifically stated, 'We do not reach or decide the question whether the parolee is entitled to the assistance of retained counsel or to appointed counsel if he is indigent.'

"Of course, the inclusion in your committee's draft that he be 'permitted' to be represented by counsel immediately raises some questions: (1) Does this refer to only retained counsel and, if so, is this denying the indigent equal protection of the law as required by the Fourteenth Amendment to the United States Constitution? (2) If indigents are also to be provided counsel, who is responsible for appointment, payment, and how much will it cost?"

Very truly yours,

(Signed) Clarence A. H. Meyer
Attorney General

CAHM:dnj

cc: Governor J. James Exon
Senator John J. Cavanaugh III
Vincent D. Brown

UNANIMOUS CONSENT–Bracket Bills

Mr. Mahoney asked unanimous consent to bracket LB 275 on General File for Wednesday, May 9, 1973. No objections. So ordered.

Mr. Luedtke asked unanimous consent to bracket LB 563 on General File for Tuesday, May 8, 1973. No objections. So ordered.

Mr. Kremer asked unanimous consent to bracket LB 149 on General File for Wednesday, May 9, 1973. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 423. Title read. Considered.

Standing Committee amendments found in the Journal on page 1399 for the Seventy-second Day were adopted.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 516. Title read. Considered.

Standing Committee amendments found in the Journal on page 1400 for the Seventy-second Day were adopted.

Mr. Whitney offered the following amendment, which was adopted:

1. On page 3, insert "Participation in the program of group health insurance shall be optional with the employee." at the end of line 1.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

VISITORS

President Marsh introduced 11 First thru Eighth grade students from District 53 Otoe County, Nebraska City, 4 mothers and teacher Mrs. Mardell Seybert.

President Marsh introduced 27 Seventh and Eighth grade students from Hanover Grade School, Hanover, Kansas, 4 sponsors and teacher Mr. James Giesbrecht.

President Marsh introduced 31 Fifth, Sixth, Seventh and Eighth grade students, 4 adults and teacher Mrs. Dorothy Kemerling from Malmo Public School, Malmo.

ADJOURNMENT

At 3:29 p.m., on a motion by Mr. Syas, the Legislature adjourned until 10:00 a.m., Monday, May 7, 1973.

Vincent D. Brown
Clerk of the Legislature

SEVENTY-SEVENTH DAY—MAY 7, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE FIRST SESSION

SEVENTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, May 7, 1973

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Marsh presiding.

PRAYER

The prayer was offered by the Chaplain.

> O Lord, let us never be afraid of a new idea or unreceptive to a new thought, lest we pull down the shades of our minds and exclude Thy holy light. When confronted by mystery, help us to remember that we do not have to explain all we know or understand all we believe. But give us the grace of humility and the spirit of the open mind, the courage to persist in face of difficulities, and a steady confidence in the power of truth.
>
> Help us all to learn something this day, that we shall be wise at its close and more ready for our eternal home when we are one step nearer. Through Christ our Lord. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Kime and Nore who were excused; Mr. Chambers who was absent.

CORRECTIONS FOR THE JOURNAL

Page 1509, line 8, correct spelling of "Luedtke".
The Journal for the Seventy-sixth Day was approved as corrected.

MESSAGE FROM THE GOVERNOR

May 4, 1973

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 226, 297, and 340, and Reengrossed Legislative Bill No. 522.

These bills were signed by me on May 3, 1973 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

UNANIMOUS CONSENT—Member Excused

Speaker Proud asked unanimous consent to be excused this afternoon. No objections. So ordered.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 311. Replaced on Select File as amended.

E & R amendments to LB 311:

1. On page 3, line 10, insert an underscored comma after "services".
2. On page 4, line 3, strike "equal or exceed" and insert "equals or exceeds".
3. In the Whitney amendments, page 2, line 19, strike "1." and insert "(1)"; and in line 22, strike "2." and insert "(2)".
4. In the Whitney amendments, page 4, line 1, strike the period and insert an underscored semicolon.
5. In lieu of the Carpenter amendment 2, renumber existing sections 3 to 10 as sections 4 to 11.
6. In E & R 7, line 3, insert "to provide for budgets;" after the second semicolon.

LEGISLATIVE BILL 45. Placed on Select File as amended.

E & R amendments to LB 45:

(All amendments are to standing committee amendments.)

1. On page 1, line 8, strike the comma; and in line 12 strike "where" and insert "when".
2. On page 3, line 3, insert a comma after the second "vehicles"; in line 20 strike "or"; in line 25 insert a comma after "constructed"; and in line 27 strike "these" and insert "such"; and in line 21, strike "and" and insert ", or".

3. On page 4, line 7, insert "of cabin trailers" after "classes"; and strike the commas in lines 9, 12, 15, and 16.

4. On page 5, line 10, strike "from such" and insert "egress from"; in line 17 strike "highway" and insert "roadway"; and in line 26 insert a comma after "tissue".

5. On page 6, line 7, insert a comma after "selling"; and in line 9 strike the comma.

6. On page 7, line 11, strike "pursuant to this act" and insert "for operation on the highways of this state"; in line 14, insert a comma after "type"; and in line 21, strike "mixtures" and insert "mixture" and strike "devices" and insert "device".

7. On page 8, lines 3 and 20, strike the comma; and insert a comma after "liable" in line 14 and "absorption" in line 16.

8. On page 9, strike the comma in lines 3 and 26; and insert a comma after "suspend" in line 13 and "horticultural" in line 20.

9. On page 10, line 3, strike the first comma.

10. On page 11, line 18, strike the first comma and insert a comma at the end of the line; and in lines 25 and 26, strike "pursuant to this act" and insert "for operation on the highways of this state".

11. On page 12, line 25, insert ", Reissue Revised Statutes of Nebraska, 1943, and amendments thereto" after "17".

12. On page 13, line 25, insert a comma after "person".

13. On page 14, line 5, strike the fourth comma.

14. On page 15, line 13, strike the comma.

15. On page 16, insert a comma after "signal" in line 3 and "addition" in line 13; and in line 11 strike "pursuant to this act" and insert "for operation on the highways of this state".

16. On page 17, insert a comma after "speed" in line 11 and "designed" in line 20; in line 17, insert "as" after the first "or"; and in line 21 strike "In the event" and insert "If".

17. On page 18, line 3, insert a comma after "reduce"; in line 6 strike "the" and insert "an".

18. On page 19, line 25, insert a comma after "skis".

19. On page 20, insert a comma after "cranes" in lines 15 and 17 and "model" in line 24; and in lines 22 and 23, strike "pursuant to this act" and insert "for operation on the highways of this state and".

20. On page 21, line 5, insert a comma after "territory"; and in line 21, insert "court or" after "the".

21. On page 22, line 4, insert "and" after the first comma and strike the second comma.

21A. On page 23, line 1, strike "pursuant to this act" and insert "for operation on the highways of this state".

22. On page 24, line 8, insert a comma after "different"; strike the second comma in line 9; in line 13, strike "therein" and insert "of this state"; and in line 25, strike "who" and insert "whom".

23. On page 25, line 22, strike "and" and insert "or".

24. On page 29, line 2, strike "such" and insert "the" and strike "its" and insert "the department's"; in line 5, insert a comma after "warn"; and in line 20 strike "with" and insert "after"; and in line 7 insert a comma after "inhabitants".

25. On page 30, insert a comma after "warn" in lines 9 and 16 and "within" in line 25.

26. On page 32, strike the comma in lines 24 and 26.

27. On page 33, line 9, strike "none," and insert "there is no such line then"; in line 10, strike ", if none," and insert "if there is no crosswalk"; and in line 26 strike "In the event" and insert "If".

28. On page 34, line 25, strike "none," and insert "there is no such line then"; and in line 27 strike "none," and insert "there is no crosswalk".

29. On page 35, strike the commas in line 23.

30. On page 36, line 1, strike "implying" and insert "implies"; in line 8 strike the comma; and in line 27 strike "local authorities" and insert "any local authority".

31. On page 37, line 10, strike the comma.

32. On page 42, insert a comma after "road" in line 4 and the second "and" in line 12.

33. On page 43, insert a comma after the second "roadway" in line 4 and "vehicles" in line 8; and in line 6, strike "or" and insert "times or at".

34. On page 44, line 13, strike "such" and insert "the".

35. On page 45, line 4, strike "section" and insert "subsection".

36. On page 46, line 6, strike ", or for" and insert "or".

37. On page 47, line 19, strike "may" and insert "need".

38. On page 49, strike the first comma in lines 7, 19, and 22; and in line 19, insert a comma after "and".

39. On page 50, line 4, insert a comma after "road"; in line 7 and lines 9 and 10, strike "building entrance, road or driveway" and insert "driveway, road, or building entrance"; and in line 23 strike the comma.

40. On page 53, line 7 strike ", and" and insert "and,"; and in line 13 insert a comma after "may".

41. On page 54, line 9, strike the first comma; and in line 13 insert a comma after "contributions".

42. On page 55, line 6 strike the first comma; and in line 10 insert a comma after "practicable".

43. On page 56, lines 10 and 17, strike "this section" and insert "sections 53 and 54 of this act".

44. On page 57, line 16 strike the comma.

45. On page 58, line 18, strike the comma; and in line 24 strike "when".

46. On page 60, line 10 strike the comma.

47. On page 61, line 6, strike the comma.

48. On page 62, line 7, strike the comma.

49. On page 63, line 5, strike the comma and insert a comma at the end of line 11.

50. On page 66, lines 26 and 27, strike "of the Department of Roads, which" and insert "and".

51. On page 67, line 13, strike the comma; at the end of line 17, insert "that made by the"; and in line 18, strike "procedures".

52. On page 68, line 13, insert "an" after "on"; in line 14, insert "that made by the" after "to"; in line 15, strike "procedures"; and in line 25, strike "where" and insert "when".

53. On page 69, line 5, strike "such" and insert "the"; and in line 10, strike the comma.

54. In the Carpenter amendment, lines 6 and 7, strike "the patrol vehicle".

55. On page 70, line 9, strike "authorities" and insert "authority".

56. On page 71, lines 20 and 24, strike the comma.

57. On page 72, lines 13 and 17, strike the comma.

58. On page 74, line 13, insert a comma after "(4)".

59. On page 75, line 9, strike "which is equipped with solid rubber tires" and insert the same in line 8, after "vehicle"; and in line 14, strike the comma.

60. On page 76, line 14, strike "jurisdiction" and insert "respective jurisdictions"; in line 16, insert a comma after "act"; and in line 18, strike ", also" and insert "and"; and in line 18, strike "such".

61. On page 77, line 2, insert a comma after "acceleration"; in line 9, strike the commas and strike "a" and insert "any"; and insert a comma after "stopping" in line 21 and "park" in line 23; and strike the comma in line 10.

62. On page 78, line 8, strike "ambulances" and insert "ambulance".

63. On page 79, line 9, insert a comma after "stand".

64. On page 80, insert a comma after the second "sign" in line 2 and at the end of line 9.

65. On page 81, line 8, strike "of the Department of Roads"; and in line 15, strike the comma.

66. On page 82, line 23, strike ", and" and insert "and it".

67. On page 83, line 27, insert a comma after "cans".

68. On page 84, line 3, insert a comma after "paper"; and in line 20, strike "warrant" and insert "excuse".

69. On page 85, line 17, strike "by" and insert "under"; and in line 23, strike the comma.

70. On page 88, line 19, strike "is" and insert "shall be".

71. On page 89, line 6, insert "of this section" after "(3)"; and in line 21, insert a comma after "standing".

72. On page 90, line 9, insert ", Reissue Revised Statutes of Nebraska, 1943" after "39-770".

73. On page 91, insert a comma at the end of line 13; and in line 18, strike "such".

74. On page 92, line 25, and page 93, line 23, insert ", Reissue Revised Statutes of Nebraska, 1943, and amendments thereto" after "39".

75. On page 93, line 26, insert a comma after the second "line"; and in line 23, insert ", Reissue Revised Statutes of Nebraska, 1943, and amendments thereto" after "39".

76. On page 94, insert a comma after "use" in line 2, "things" in line 15, and "displays" in line 24; and in lines 17 and 18, strike "for such driveways and things," and insert "therefor".

77. On page 95, insert a comma after "applications" in line 6, "mounted" in lines 15 and 18, and "unloading" in lines 15 and 20.

78. On page 97, line 20, insert a comma after "width"; and strike "as".

79. On page 98, insert a comma after "route" in line 6 and "shrub" in line 17.

80. On page 99, lines 6 and 12, strike the semicolon and insert a comma.

81. On page 100, line 16, strike the comma.

82. On page 101, line 9, strike ", or" and insert "or,"; and in line 19, strike "do" and insert "shall".

83. On page 102, in lines 10 and 12, strike the semicolon and insert a comma; in line 23, strike the comma; and in line 27, strike "jurisdiction" and insert "county".

84. On page 103, line 2, strike the comma; in lines 5 and 13, strike "or" and insert "in"; in line 8, strike "fined in a sum" and insert "punished by a fine of"; insert a comma after "dollars" in lines 9 and 19 and "forcibly" in line 27; in line 9, strike "imprisoned" and insert "by imprisonment"; and in line 10, strike "punished".

85. On page 104, line 13, strike ", and amendments thereto"; in line 26, strike the comma; and in line 27, and on page 105, line 4, strike "effective" and insert "operative".

86. On page 105, lines 1 and 3, strike "the".

87. Strike standing committee amendment 11 and in the Goodrich amendment 2, line 1, strike "125" and insert "121" and in line 2, strike "126" and insert "122".

88. On page 106, line 13, strike "and" and insert the same after the third comma.

89. In the title, line 7, insert "39-764.01," after the third comma; in line 8, strike "39-7,107" and insert "39-7,108"; in line 14, strike "28-403.01" and insert "18-1725 to 18-1728" and after the second comma insert "39-719.01,"; and in line 16, strike "and 39-767" and insert "39-767, and 39-7,104".

LEGISLATIVE RESOLUTION 23. Placed on Select File as amended.
E & R amendments to LR 23:

1. In the third WHEREAS, line 3, strike "has" and insert "have".

2. In the fourth WHEREAS, line 2, strike "imperials" and insert "imperils".

Correctly Engrossed

The following bill was correctly engrossed: 311A.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following: LR 21.

STANDING COMMITTEE REPORTS
Constitutional Revision and Recreation

LEGISLATIVE RESOLUTION 32. Indefinitely postponed.
Committee Statement to LR 32:

The committee Indefinitely Postponed the bill mainly because it was thought it wasn't needed to this great of an extent at this time, plus the fact that fifty million dollars was a lot of money. The committee felt that this was another avenue the credit of the state would be pledged. Also, it was thought that the general public has not been asking for this, therefore, there was no great need to submit this to the people at this time.

Senator Terry Carpenter, the introducer, was the only person appearing in favor of this Resolution.

There was no opposition to the Resolution.

A motion was made and seconded to Indefinitely Postpone LR 32. Motion carried: 4 Ayes, 2 Nays and 1 Absent. Voting Aye were Senators Syas, Burbach, Carstens and Snyder. Voting Nay were Senators Anderson and Keyes. Senator Kelly was absent.

LEGISLATIVE RESOLUTION 33. Indefinitely postponed.
Committee Statement to LR 33:

LR 33 originally would have prevented the state legislature or anybody running for state office to be sixty-five at the date that term would commence. The committee amended this bill, striking sixty-five and making it seventy-two. After discussing this bill further, the committee came to the conclusion that when people run for election the general public should have the right to elect a person as young or as old as they wish to. The same reasoning would not apply to an appointed situation where the general public would not have the opportunity to decide. Another factor in indefinitely postpoining LR 33 was that you should not go this route until the salary in the legislature is increased to a point where younger people could financially be able to be senators. There is a great possibility that an age restriction could be done sometime in the future after some other things are taken care of.

Senator Terry Carpenter, the introducer, was the only person appearing in favor of this Resolution.

There was no opposition to LR 33.

A motion was made to amend the age requirement to read seventy-two. Motion was seconded. Motion passed: 3 Ayes, 1 Nay, 0 Not Voting and 3 Absent. Voting Aye were Senators Syas, Kelly and Keyes. Voting Nay was Senator Anderson. Senators Burbach, Carstens and Snyder were absent.

A motion was made and seconded to Indefinitely Postpone LR 33. Motion passed: 6 Ayes, 0 Nays, 0 Not Voting and 1 Absent. Voting Aye were Senators Syas, Anderson, Burbach, Carstens, Keyes and Snyder. Senator Kelly was absent.

LEGISLATIVE BILL 564. Indefinitely postponed.

LEGISLATIVE BILL 576. Indefinitely postponed.

(Signed) George Syas, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 321.

A BILL FOR AN ACT to amend sections 79-1281 and 79-1283, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to require compensation of members of the Professional Practices Commission and their replacements as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Anderson
Barnett
Burbach
C. Carsten
Cavanaugh
Clark
DeCamp
Duis
Epke
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kremer
F. Lewis
R. Lewis
Luedtke
Maresh
Marsh
Marvel
Moylan
Murphy
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 8:

Carpenter
F. Carstens
Chambers
Dickinson
Fellman
Kime
Mahoney
Nore

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 321A.

A BILL FOR AN ACT to appropriate three thousand two hundred dollars from the Teachers' Certification Fund for the period of July 1, 1973 to June 30, 1974 to the Department of Education, Agency No. 13 for Program 614, Professional Practices Commission, to aid in carrying out the provisions of Legislative Bill 321, Eighty-third Legislature, First Session, 1973.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
Cavanaugh
DeCamp
Dickinson
Duis
Epke
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Proud
Rasmussen
Richendifer
Schmit
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 6:

F. Carstens
Chambers
Clark
Kime
Nore
Savage

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 345.

A BILL FOR AN ACT relating to cities of the first class; to provide for public transportation systems; to provide powers and duties; to provide for land acquisition; to provide for management; to amend section 75-303, Revised Statutes Supplement, 1972, as amended by section 1, Legislative Bill 70, Eighty-third Legislature, First Session, 1973; to change an exemption; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
DeCamp
Dickinson
Duis
Epke
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kremer
F. Lewis
R. Lewis
Luedtke
Maresh
Marsh
Moylan
Murphy
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 1:

Skarda

Not voting, 6:

Chambers
Clark
Kime
Mahoney
Marvel
Nore

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 402.

A BILL FOR AN ACT to amend section 79-311, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide for contracts with educational service units or certain school districts to perform the duties of county superintendents; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is 'Shall the bill pass?' "

Voting in the affirmative, 33:

Anderson
Barnett
Burbach
Carpenter
F. Carstens
Cavanaugh
Clark
DeCamp
Dickinson
Duis
Epke
Fellman
Fowler
Goodrich
Kelly
Keyes
F. Lewis
R. Lewis
Marsh
Marvel
Moylan
Murphy
Proud
Rasmussen
Richendifer
Savage
Simpson
Skarda
Stahmer
Stull
Syas
Waldron
Warner

Voting in the negative, 10:

C. Carsten
Hasebroock
Kennedy
Kremer
Maresh
Schmit
Snyder
Stromer
Whitney
Wiltse

Not voting, 6:

Chambers
Johnson
Kime
Luedtke
Mahoney
Nore

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT—LB 449

Mr. Schmit asked unanimous consent to read LB 449 on Final Reading at this time. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 449.

A BILL FOR AN ACT relating to fluoridation; to provide for mandatory fluoridation of water supplies by all political subdivisions except as prescribed; to provide an operative date; and to repeal sections 71-3301, 71-3303, and 71-3304, Reissue Revised Statutes of Nebraska, 1943, and section 71-3302, Revised Statutes Supplement, 1972.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 28:

Anderson
Barnett
Burbach
C. Carsten
Cavanaugh
DeCamp
Duis
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kremer
F. Lewis
Luedtke
Mahoney
Marsh
Moylan
Murphy
Savage
Schmit
Simpson
Skarda
Snyder
Stahmer
Waldron
Wiltse

Voting in the negative, 15:

Clark
Epke
Kennedy
Keyes
R. Lewis
Maresh
Marvel
Proud
Rasmussen
Richendifer
Stromer
Stull
Syas
Warner
Whitney

Not voting, 6:

Carpenter F. Carstens Chambers Dickinson Kime
Nore

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 494. With Emergency.

A BILL FOR AN ACT to adopt the Nebraska Disaster and Civil Defense Act of 1973; to amend sections 81-829.05 to 81-829.09, 81-829.13 to 81-829.15, 81-829.18, 81-829.19, 81-829.21 to 81-829.30, 81-829.32, and 81-829.35, Reissue Revised Statutes of Nebraska, 1943; to provide for financial aid to the Civil Air Patrol; to repeal the original sections, and also sections 81-829.10 to 81-829.12, 81-829.20, 84-110, 84-111, 84-111.01, and 84-112 to 84-119, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Anderson Burbach Carpenter C. Carsten F. Carstens
Clark DeCamp Dickinson Duis Fellman
Goodrich Hasebroock Johnson Kelly Kennedy
Keyes Kremer F. Lewis R. Lewis Luedtke
Mahoney Maresh Marsh Marvel Moylan
Murphy Proud Rasmussen Richendifer Savage
Schmit Simpson Skarda Stahmer Stromer
Stull Syas Waldron Warner Whitney
Wiltse

Voting in the negative, 0.

Not voting, 8:

Barnett Cavanaugh Chambers Epke Fowler
Kime Nore Snyder

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION—Bracket LB 510

Mr. Stahmer moved to bracket LB 510 on Final Reading. The motion lost with 3 ayes, 24 nays and 22 not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 510. With Emergency.

A BILL FOR AN ACT to amend section 85-1,100, Revised Statutes Supplement, 1972, relating to the University of Nebraska at Lincoln field house; to provide for the use of earnings on appropriated funds; to make appropriations; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Barnett	Burbach	Carpenter	C. Carsten	F. Carstens
Cavanaugh	Clark	DeCamp	Duis	Epke
Fellman	Fowler	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Keyes	Kremer	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Marvel
Moylan	Proud	Rasmussen	Richendifer	Savage
Schmit	Simpson	Skarda	Snyder	Stromer
Stull	Syas	Waldron	Warner	Whitney
Wiltse				

Voting in the negative, 0.

Not voting, 8:

Anderson	Chambers	Dickinson	Kime	F. Lewis
Murphy	Nore	Stahmer		

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SELECT FILE

LEGISLATIVE BILL 172. Laid over at the request of Mr. F. Lewis.

LEGISLATIVE BILL 454. E & R amendments found in the Journal on page 1494 for the Seventy-sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 580. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 534. E & R amendments found in the Journal on page 1503 for the Seventy-sixth Day were adopted.

Bracketed at the request of Mr. Carpenter.

LEGISLATIVE BILL 573. E & R amendments found in the Journal on page 1504 for the Seventy-sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 545. E & R amendment found in the Journal on page 1504 for the Seventy-sixth Day was adopted.

Mr. F. Lewis offered the following amendment which was adopted with 25 ayes, 0 nays and 24 not voting.

Add the emergency clause.

Advanced to E & R for Engrossment.

MOTION—Rule Change

Mr. Syas moved to amend Rule 4, Sec. 8, as follows:

Sec. 8. Reference to committee. Resolutions other than those covered by Secs. 2 and 3 of this rule may be referred to a committee if a motion to do so is adopted by a majority of the elected members. A committee statement must be prepared and attached to the Resolution when the committee reports the Resolution to the Legislature. Said committee statement shall be set out in full in the Journal.

Referred to the Rules Committee.

STANDING COMMITTEE REPORTS
Miscellaneous Subjects

LEGISLATIVE BILL 327. Placed on General File as amended. (Amendments printed and available separate from the Journal.)

(Signed) J. James Waldron, Chairman

GENERAL FILE

LEGISLATIVE BILL 286. Title read.

Standing Committee amendments were read. Considered.

Standing Committee amendments found in the Journal on page 1271 for the Sixty-eighth Day were adopted with 26 ayes, 0 nays and 23 not voting.

The Stahmer pending amendments to the Standing Committee amendments, found in the Journal on page 1414 for the Seventy-second Day were explained. Amendments pending.

VISITORS

President Marsh introduced Mr. Max Wilson from Melbourne, Australia, son of Mr. Ray Wilson, Sergeant at Arms. Max is General Director of General Motors Overseas operations.

President Marsh introduced 29 grade school students, 4 sponsors and teacher Mrs. Peacock from Plattsmouth Elementary School, Plattsmouth.

President Marsh introduced 44 students, 9 mothers and teachers Mrs. Dee Hansock. and Mrs. Mary Scheele from District No. 63, Fremont.

RECESS

At 11:55 a.m., on a motion by Mr. Stull, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:01 p.m., Mr. Whitney presiding.

The roll was called and all members were present except Messrs. Proud, Kime and Nore who were excused; and Mr. Chambers who was absent.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 321, 321A, 345, 402, 449, 494 and 510.

(Signed) John J. Cavanaugh, Chairman

STANDING COMMITTEE REPORTS
Miscellaneous Subjects

LEGISLATIVE BILL 246. Placed on General File as amended.
Standing Committee amendments to LB 246:

1. Strike sections 1 to 11 and insert the following:

"Section 1. That section 84-201.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-201.01. Until the first Thursday after the first Tuesday in January, ~~1971~~ 1975, there shall be paid as salary to the Attorney General, the sum of ~~sixteen~~ twenty-four thousand dollars. Commencing the first Thursday after the first Tuesday in January, ~~1971~~ 1975, there shall be paid as salary to the Attorney General, the sum of ~~twenty four~~ thirty-two thousand five hundred dollars. The salary of the Attorney General shall be payable in equal monthly installments.

Sec. 2. That section 84-206, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-206. The Attorney General shall appoint a deputy attorney general, who shall give bond to the State of Nebraska in the sum of five thousand dollars, with good and sufficient sureties to be approved by the Governor. The bond, together with a copy of the appointment shall be deposited in the office of the Secretary of State. The deputy may do and perform, in the absence of the Attorney General, all the acts and duties that may be authorized and required to be performed by the Attorney General. The Attorney General shall be responsible for all acts of said deputy. The deputy shall receive a salary of such amount as shall be fixed by the Attorney General, to be paid on a monthly basis by warrant of the Director of Administrative Services on the State Treasurer; Provided, that the salary of the deputy attorney general and each full-time assistant attorney general shall be not less than twenty thousand dollars.

Sec. 3. That section 84-721, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-721. Until the first Thursday after the first Tuesday in January, ~~1971~~ 1975, there shall be paid as salaries to certain constitutional officers, as follows: Secretary of State, the sum of ~~twelve~~ sixteen thousand ~~five hundred~~ dollars per annum; Auditor of Public Accounts, the sum of ~~twelve~~ sixteen thousand ~~five hundred~~ dollars per annum; State Treasurer, the sum of ~~twelve~~ fifteen thousand ~~five hundred~~ dollars per annum; and the Lieutenant Governor, the sum of ~~six~~ seven thousand five hundred dollars per annum. From and after the first Thursday after the first Tuesday in January, ~~1971~~ 1975, there shall be paid as salaries to certain constitutional officers, as follows: Secretary of State, the sum of ~~sixteen~~ twenty-five thousand dollars per annum; Auditor of Public Accounts, the sum of ~~sixteen~~ twenty-five thousand dollars per annum; State Treasurer, the sum of ~~fifteen~~ twenty-five thousand dollars per annum; and the Lieutenant Governor, the sum of ~~seven~~ twenty-five thousand ~~five hundred~~ dollars per annum. Such salaries shall be payable in equal monthly installments.

Sec. 4. That original sections 84-201.01, 84-206, and 84-721, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

LEGISLATIVE BILL 508. Placed on General File as amended.
Standing Committee amendment to LB 508:

1. On page 2, line 21 insert "only" after "used".

(Signed) J. James Waldron, Chairman

ATTORNEY GENERAL'S OPINION

Opinion No. 47
May 7, 1973

Senator John W. DeCamp
Nebraska State Legislature
State Capitol
Lincoln, Nebraska

Dear Senator:

You ask if an abortion law such as that recently enacted by the State of Rhode Island would be constitutional. The new Rhode Island law is almost identical to the Nebraska statutes, Sections 28-404 and 28-405, R. R. S. 1943, that were struck down by the United States District Court for the District of Nebraska in the not too distant past. That is, an abortion can not be performed unless necessary to preserve the life of the mother. However, the Rhode Island Legislature added a new feature in that its new law provides, in part:

> ". . . . that human life commences at the instant of conception and that said human life at said instant of conception is a person within the language and meaning of the fourteenth amendment of the constitution of the United States, and that miscarriage at any time after the instant of conception caused by the administration of any poison or other noxious thing or the use of any instrument or other means shall be a violation of said section 11-3-1, unless the same be necessary to preserve the life of a woman who is pregnant." (Emphasis added.)

Of course, the Rhode Island law will stand or fall on two parts of the act. One, will the proviso that life begins at conception and is entitled to Fourteenth Amendment protection circumvent the recent United States Supreme Court decision of Roe v. Wade,___U. S.___, 35 L. Ed. 2d 147, 93 S. Ct.___? This case, decided January 22, 1973, is specifically mentioned in the preamble to the Rhode Island act.

Two, does the limitation that an abortion can only be performed when necessary to preserve the "life" of a pregnant woman circumvent that portion of Roe v. Wade which makes reference to "life or health"?

We are not positive of the validity of the Rhode Island law. However, a reading of the Roe v. Wade case would indicate that Rhode Island may have an uphill battle in sustaining the validity of the law in the already started court test.

The enclosure with your request for this opinion had the following notation:

> "The Rhode Island law had no more than passed the Legislature and gone into effect than it was challenged before a three judge federal court panel. I have personally visited with Mr. Allen of the Rhode Island Attorney General's Office, concerning his defense of their new abortion law. He is not optimistic of the outcome in the lower federal court but neither is he pessimistic.

> He believes that the expert medical and scientific testimony they have assembled for use in their defense brief, proves beyond a shadow of a doubt that all human life begins at the instant of conception. There was no such medical record in either the Georgia or Texas defense briefs, and thus the Supreme Court did not address itself to or answer the basic question of when life begins in their January 22, 1973 decision on abortion."

On the matter of medical testimony being presented to the United States Supreme Court, we point out that an appeal by the State of Connecticut was recently denied by the United States Supreme Court as was the request for a rehearing. That case was Markle, et al. v. Aberle, et al., Supreme Court Case numbers 72-56 and 72-730, and the rehearing was denied on April 17, 1973. Nebraska, as amicus curiae (friend of the court), filed a brief in the Supreme Court supporting the State of Connecticut. This state was joined as amici by the States of Arizona, California, Colorado, Georgia, Kentucky, Louisiana, Massachusetts, Missouri, Montana, New Hamshire, North Dakota, Utah, and West Virginia. One of the primary reasons urged for rehearing is that Connecticut did have a full evidentiary hearing which included detailed relevant medical testimony. As already noted, the Supreme Court of the United States denied the request.

As we have pointed out, probably the most important aspect of the Rhode Island law is the legislative edict that "human life" begins at conception and is a "person" within the meaning of the Fourteenth Amendment of the United States Constitution.

In Roe v. Wade the Supreme Court seemed to reach conflicting conclusions on the matter of when "life begins" and when that life, whenever it begins, is entitled to Fourteenth Amendment protection.

First the Court said: "We need not resolve the difficult question of when life begins." Then the Court said that its review of authorities: ". . . persuades us that the word 'person' as used in the Fourteenth Amendment, does not include the unborn." The question of when life begins and when that life, no matter when it begins, is entitled to protection by the state seemed to be two different things, according to the Supreme Court. As to when life begins, the Court pointed out the divergent views of theologians, philosophers, and doctors and indicated that judges, if the aforementioned cannot decide, will not speculate on the question when life begins.

On this the Court said:

> ". . . We need not resolve the difficult question of when life beings. When those trained in the respective disciplines of medicine, philosophy, and theology are unable to arrive at any consensus, the judiciary, at this point in the development of man's knowledge, is not in a position to speculate as to the answer.
>
> "It should be sufficient to note briefly the wide divergence of thinking on this most sensitive and difficult question. There has

always been strong support for the view that life does not begin until live birth. This was the belief of the Stoics. It appears to be the predominant, though not the unanimous, attitude of the Jewish faith. It may be taken to represent also the position of a large segment of the Protestant community, insofar as that can be ascertained; organized groups that have taken a formal position on the abortion issue have generally regarded abortion as a matter for the conscience of the individual and her family. As we have noted, the common law found greater significance in quickening. Physicians and their scientific colleagues have regarded that event with less interest and have tended to focus either upon conception or upon live birth or upon the interim point at which the fetus becomes 'viable,' that is, potentially able to live outside the mother's womb, albeit with artificial aid. Viability is usually placed at about seven months (28 weeks) but may occur earlier, even at 24 weeks. The Aristotelian theory of 'mediate animation,' that held sway throughout the Middle Ages and the Renaissance in Europe, continued to be official Roman Catholic dogma until the 19th century, despite opposition to this 'ensoulment' theory from those in the Church who would recognize the existence of life from the moment of conception. The latter is now, of course, the official belief of the Catholic Church. As one of the briefs amicus discloses, this is a view strongly held by many non-Catholics as well, and by many physicians. Substantial problems for precise definition of this view are posed, however, by new embryological data that purport to indicate that conception is a 'process' over time, rather than an event, and by new medical techniques such as menstrual extraction, the 'morning-after' pill, implantation of embryos, artifical insemination, and even artifical wombs.

"In areas other than criminal abortion the law has been reluctant to endorse any theory that life, as we recognize it, begins before live birth or to accord legal rights to the unborn except in narrowly defined situations and except when the rights are contingent upon live birth. For example, the traditional rule of tort law had denied recovery for prenatal injuries even though the child was born alive. That rule has been changed in almost every jurisdiction. In most States recovery is said to be permitted only if the fetus was viable, or at least quick, when the injuries were sustained, though few courts have squarely so held. In a recent development, generally opposed by the commentators, some States permit the parents of a stillborn child to maintain an action for wrongful death because of prenatal injuries. Such an action, however, would appear to be one to vindicate the parent's interest and is thus consistent with the view that the fetus, at most, represents only the potentiality of life. Similarly, unborn

> children have been recognized as acquiring rights or interest by way of inheritance or other devolution of property, and have been represented by guardians ad litem. Perfection of the interests involved, again, has generally been contingent upon live birth. In short, the unborn have never been recognized in the law as persons in a whole sense." (Emphasis added.)

Though the Court did not decide when life begins it did decide at what stage of fetal development the state gains a "compelling interest" in protecting that life. That stage is at the time of "viability." This is when the unborn child is supposed to be capable of living outside the womb. As is seen by the foregoing quotation from the Court's opinion this is between 24 and 28 weeks. We point out, for your information, that there have been reported cases of survival when birth took place even prior to the 24th week. With new developments in the field of medicine known as fetology, such as the artificial placenta, this time of viability may be reduced even further.

In any event, whenever "viability" occurs, and it is obviously some time after conception, the state may legislate to protect the unborn. On this the Court said:

> "With respect to the State's important and legitimate interest in the health of the mother, the 'compelling' point, in the light of present medical knowledge, is at approximately the end of the first trimester. This is so because of the now established medical fact, referred to above at p. 34, that until the end of the first trimester mortality in abortion is less than mortality in normal childbirth. It follows that, from and after this point, a State may regulate the abortion procedure to the extent that the regulation reasonably relates to the preservation and protection of maternal health. Examples of permissible state regulation in this area are requirements as to the qualifications of the person who is to perform the abortion; as to the licensure of that person; as to the facility in which the procedure is to be performed, that is, whether it must be a hospital or may be a clinic or some other place of less-than-hospital status; as to the licensing of the facility; and the like.
>
> "This means, on the other hand, that, for the period of pregnancy prior to this 'compelling' point, the attending physician, in consultation with his patient, is free to determine, without regulation by the State, that in his medical judgment the patient's pregnancy should be terminated. If that decision is reached, the judgment may be effectuated by an abortion free of interference by the State.
>
> "With respect to the State's important and legitimate interest in potential life, the 'compelling' point is at viability. This is so because the fetus then presumably has the capability of meaningful life outside the mother's womb. State regulation

> protective of fetal life after viability thus has both logical and biological justifications. If the State is interested in protecting fetal life after viability, it may go so far as to proscribe abortion during that period except when it is necessary to preserve the life or health of the mother."

A reading of the foregoing would seem to indicate that no matter when "life begins" the Legislature may not take steps to save that life until it is "viable" and, as noted above, when viability occurs is speculative at best. We also point out that the Court did not have before it in Roe v. Wade a legislative enactment that life begins at conception and is entitled to the protection of the Fourteenth Amendment. Therefore, we cannot, at this time, decide with precision and exactitude that such a provision is or is not constitutionally sound.

The second hurdle in the Rhode Island law is the restriction that an abortion can only be performed when necessary to save the "life" of the woman. The Court used the term "life or health." Although the Court did say "life or health" it could be construed that the word "health" must be a part of any abortion legislation. Again, we cannot say that the lack of a reference to the word "health" is constitutionally fatal to the Rhode Island law.

In conclusion, we are unable to say with specificity whether or not the Rhode Island law is a constitutionally viable act. Inasmuch as it is already in the courts, we should have some judicial interpretation in the near future.

Very truly yours,

CLARENCE A. H. MEYER
Attorney General

(Signed) James J. Duggan
Assistant Attorney General

JJD:ejg

cc Mr. Vincent D. Brown
Clerk of the Legislature

GENERAL FILE

LEGISLATIVE BILL 286. Considered.

Mr. Stahmer renewed his pending amendments found in the Journal on page 1414 for the Seventy-second Day.

PRESIDENT MARSH PRESIDING

Mr. Carpenter moved the previous question. The question is, "Shall the debate now cease?" The motion prevailed with 27 ayes, 6 nays and 16 not voting.

The Stahmer amendment lost with 9 ayes, 31 ayes and 9 not voting.

Mr. Anderson offered the following amendments:

1. Strike section 1, subsections (1) and (2), and insert the following:

"Section 1. The Legislature hereby finds and declares:

(1) That the following provisions were motivated by the legislative intrusion of the United States Supreme Court, by virtue of its decision removing the protection afforded the unborn. This act is in no way to be construed as implementing, condoning, or approving abortions at any stage of unborn human development, but is rather an expression of the will of the people of the State of Nebraska and the members of the Legislature to provide protection for the life of the unborn child whenever possible, until such protection can be afforded by an appropriate amendment to the United States Constitution.

(2) That the members of the Legislature expressly deplore the destruction of the unborn human lives which has and will occur in Nebraska as a consequence of the Supreme Court's decision on abortion.

(3) That it is in the interest of the people of the State of Nebraska that every precaution be taken to insure the protection of every viable unborn child being aborted, and every precaution be taken to provide life-supportive procedures to insure the unborn child its continued life after its abortion.

(4) That currently, in this State, there are grossly inadequate legal remedies to protect the life, health, and welfare of pregnant women and unborn human life.

2. Renumber original subsection (3) as subsection (5).

3. In section 2, subsection (1), following "the womb of the pregnant woman", change the period to a semi-colon and add, "Provided; in those cases where the unborn child's viability is threatened by continuation of the pregnancy, early delivery after viability by commonly accepted obstetrical practices shall not be construed as an abortion for the purposes of this act."

4. In section 5, following "life or health." add, "No abortion procedure employed pursuant to this provision shall have the direct or indirect effect of terminating the viability of the unborn child prior to, during, or following the procedure."

5. Strike section 6 and insert:

"Sec. 6. The commonly accepted means of care shall be employed in the treatment of any child aborted alive with any chance of survival."

6. Strike section 18 and insert:

"Sec. 18. Whoever shall sell, transfer, distribute, or give away any live or viable aborted child for any form of experimentation shall, upon conviction thereof, be punished by a fine of not more than one thousand dollars, or by imprisonment in the county jail for a period of not more than one year, or by both such fine and imprisonment. Any person consenting, aiding, or abetting such sale, transfer, distribution, or other unlawful disposition of an aborted child, shall be punished by a fine of not more than one thousand dollars, or be imprisonment in the county jail for a period of not more than one year, or by both such fine and imprisonment."

7. In section 19, line 17, strike "and"; in line 18 strike the period and insert "; and

(11) The length and weight of the aborted child, when measurable."

8. Add a new section to read:

"Sec. 20. Any physician who fails to comply with the procedures outlined in section 19 of this act shall be quilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not less than five hundred dollars and not more than one thousand dollars, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment."

9. Renumber original sections 20, 21, and 22 as sections 21, 22, and 23.

Mr. Anderson moved the previous question. The question is, "Shall the debate now cease?" The motion prevailed with 30 ayes, 0 nays and 19 not voting.

Mr. Carpenter requested a record vote on the Anderson amendments.

Voting in the affirmative, 37:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Clark
DeCamp
Dickinson

Duis Epke Fellman Goodrich Hasebroock
Johnson Kelly Kennedy Keyes F. Lewis
R. Lewis Luedtke Mahoney Marvel Moylan
Murphy Rasmussen Richendifer Savage Schmit
Skarda Stromer Stull Syas Waldron
Warner Wiltse

Voting in the negative, 4:

Fowler Marsh Snyder Stahmer

Not voting, 8:

Chambers Kime Kremer Maresh Nore
Proud Simpson Whitney

The amendments were adopted with 37 ayes, 4 nays and 8 not voting.

Mr. Carpenter offered the following amendment which was adopted:
Add the emergency clause.

Advanced to E & R for Review with 37 ayes, 0 nays and 12 not voting.

Mr. Carpenter asked unanimous consent to expedite LB 286. No objections. So ordered.

UNANIMOUS CONSENT—Expedite LR 23

Mr. Duis asked unanimous consent to have LR 23 expedited ahead of LB 286. No objections. So ordered.

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bills: 321, 321A, 345, 402, 449, 494 and 510.

RESOLUTION

LEGISLATIVE RESOLUTION 62.

Introduced by Goodrich, 20th District.

WHEREAS, paralegal research is becoming a rapidly accepted part of the legal profession; and

WHEREAS, there are only a few schools offering training in paralegal research at the present time; and

WHEREAS, the University of Nebraska currently has no such established program.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

That the Legislature conduct an interim study:

1. To review programs of this type now being offered at other colleges.
2. To study the feasibility of establishing such a program at the University of Nebraska and to determine whether such program should be taught wholly through the College of Law or if some courses should be taught in the College of Business Administration.
3. To determine how much additional funding might be required to establish such a program.
4. To study any ancillary subjects relating to the College of Law and paralegal research.

Referred to the Executive Board.

SELECT COMMITTEE REPORTS
Committee on Committees

May 7, 1973

The Committee on Committees desires to report favorably upon the appointments listed below which were submitted by Governor J. James Exon. The Committee suggests that the appointments be confirmed by the Legislative Body and suggests a record vote:

Dr. Vance Rogers – State Commission for Higher Educational Aid

Committee Vote: For: (7) Senators Barnett, Epke, Johnson, Snyder, Stromer, Whitney and Wiltse

Against: None

Absent and not voting: (6) Senators Chambers, Duis, Luedtke, Nore, Stahmer and Stull

Glen Ilgenfritz – State Commission for Higher Educational Aid

Committee Vote: For: (7) Senators Barnett, Epke, Johnson, Snyder, Stromer, Whitney and Wiltse

Against: None

Absent and not voting: (6) Senators Chambers, Duis, Luedtke, Nore, Stahmer and Stull

Thomas L. Morrissey – State Commission for Higher
Educational Aid

Committee Vote: For: (7) Senators Barnett, Epke, Johnson, Snyder, Stromer, Whitney and Wiltse

Against: None

Absent and not voting: (6) Senators Chambers, Duis, Luedtke, Nore, Stahmer and Stull

Respectfully submitted,

(Signed) Ramey C. Whitney, Chairman
Committee on Committees

May 7, 1973

The Committee on Committees desires to report favorably upon the appointments listed below which were submitted by Governor J. James Exon. The Committee suggests the appointments be confirmed by the Legislative Body and suggests a record vote:

Dr. Leonard Skov – State Commission for Higher
Educational Aid

Committee Vote: For: (7) Senators Barnett, Epke, Johnson, Snyder, Stromer, Whitney and Wiltse

Against: None

Absent and not voting: (6) Senators Chambers, Duis, Luedtke, Nore, Stahmer and Stull

Mrs. Marilu Ellerbroek – State Commission for Higher
Educational Aid

Committee Vote: For: (7) Senators Barnett, Epke, Johnson, Snyder, Stromer, Whitney and Wiltse

Against: None

Absent and not voting: (6) Senators Chambers, Duis, Luedtke, Nore, Stahmer and Stull

Lester Harsh – State Commission for Higher Educational Aid

Committee Vote: For: (7) Senators Barnett, Epke, Johnson, Snyder, Stromer, Whitney and Wiltse

Against: None

Absent and not voting: (6) Senators Chambers, Duis, Luedtke, Nore, Stahmer and Stull

Respectfully submitted,

(Signed) Ramey C. Whitney, Chairman
Committee on Committees

May 7, 1973

The Committee on Committees desires to report favorably upon the appointment listed below which were submitted by Governor J. James Exon. The Committee suggests that the appointment be confirmed by the Legislative Body and suggests a record vote:

Vernon E. Malolepszy – Director, Division of Employment

Committee Vote: For: (7) Senators Barnett, Epke, Johnson, Snyder, Stromer, Whitney and Wiltse

Against: None

Absent and not voting: (6) Senators Chambers, Duis, Luedtke, Nore, Stahmer and Stull

Respectfully submitted,

(Signed) Ramey C. Whitney, Chairman
Committee on Committees

Enrollment and Review

LEGISLATIVE BILL 445A. Placed on Select File as amended.
E & R amendment to LB 445A:

1. On page 2, line 5, and in the title, line 6, strike "47" and insert "85".

LEGISLATIVE BILL 484. Placed on Select File as amended.
E & R amendments to LB 484:

1. In the Carpenter amendment, line 4, insert "the" after "with".
2. In the title, line 4, strike "660" and insert "92-500"; and in line 5, insert "Amendments of 1972" after "Act"

LEGISLATIVE BILL 315. Placed on Select File as amended.
E & R amendments to LB 315:

1. In section 2, line 3, strike "one thousand" and insert "five hundred"; and in lines 3 and 4, strike "five hundred" and insert "one thousand".

2. In the title, line 5, insert "; to provide penalties; and to declare an emergency" after "license".

LEGISLATIVE BILL 299. Placed on Select File as amended.
E & R amendments to LB 299:

1. On page 2, line 15, strike "herein"; in line 16, insert "in this section" after "conferred"; insert an underscored comma at the end of line 18, and in line 21, strike "said laws" and insert "such sections".

2. On page 8, line 24, strike "power".

3. In standing committee amendment 2, line 3, strike "said" and insert "such".

4. In the title, line 2, strike "18,2103" and insert "18-2103"; in line 4, insert "the" after "to"; and strike beginning with the second "to" in line 6 through the semicolon in line 8.

LEGISLATIVE BILL 485. Placed on Select File as amended.
E & R amendments to LB 485:

1. The Goodrich amendments having eliminated the amendatory matter therein, strike section 4 and renumber original sections 5 and 6 as sections 4 and 5.

2. In lieu of standing committee amendment 2, on page 5, line 13, insert "or for words spoken at meetings of standing or special committees of the Legislature" after "Board".

3. In lieu of the Goodrich amendment to section 5 as amended, on page 5, insert an underscored period at the end of line 7 and strike lines 8 and 9 and through the period in line 10.

4. On page 2, line 13, insert ", as amended by section 1, Legislative Bill 82, Eighty-third Legislature, First Session, 1973" after "1943"; in lines 16 and 17, strike "sections 50-111 and 50-121" and insert "section 50-111"; and strike lines 21 and 22.

5. On page 5, line 14, strike "sections 50-112 and" and insert "section"; in line 15 strike "and"; in line 16, strike ", 50-401.01, and 50-402" and insert "and 50-401.01"; and in line 17, insert ", and section 50-112, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 82, Eighty-third Legislature, First Session, 1973" after "1972".

6. In the title, line 2, strike "sections 50-112 and" and insert "section"; in line 3, strike "and"; strike line 4 and insert "sections 50-111 and 50-401.01,"; in line 5, insert ", and section 50-112, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 82, Eighty-third Legislature, First Session, 1973" after "1972"; and in line 9, insert "to provide immunity;" after the semicolon.

LEGISLATIVE BILL 341. Placed on Select File as amended.
E & R amendments to LB 341:

1. On page 6, strike the new matter in line 11 and insert "3-130".
2. On page 7, line 14, strike the comma and show the same as stricken.
3. On page 2, line 2, insert ", as amended by section 1, Legislative Bill 391, Eighty-third Legislature, First Session, 1973" after "1972"; strike beginning with "The" on page 4, line 13, through the period on page 5, line 9; and on page 5, lines 9 and 10, strike "additional training and" and insert "training,".
4. On page 9, line 4, and in the title, line 5, insert ", as amended by section 1, Legislative Bill 391, Eighty-third Legislature, First Session, 1973" after "1972".
5. In the title, line 5, insert "to clarify language;" after the semicolon.

(Signed) John J. Cavanaugh, Chairman

NOTICE OF COMMITTEE HEARINGS

Judiciary

LB 574 Monday, May 14, 1973 1:00 p.m.

(Signed) Roland A. Luedtke, Chairman

Rules

The Rules Committee will meet Wednesday, May 9, 1973, 1:00 p.m., Legislative Council Hearing Room 2102 on the following:

Rule 2, Sec. 2, 4/11, p. 1216 – Sen. Snyder (rule changes)

Rule 2, Sec. 3(b) (iii), 4/11, p. 1214 – Sen. Marsh (admission to chamber of student assistants)

Rule 3, Sec. 20, 5/1, p. 1432 – Sen. Duis (objection to reference of bills)

Rule 3, Sec. 12, 5/1, p. 1432 – Sen. Duis (motions on indefinitely postponed bills)

Rule 4, Sec. 8, 5/7, p. 1525 – Sen. Syas (committee statement on resolutions)

(Signed) Herbert J. Duis, Chairman

ANNOUNCEMENT

Mr. Carpenter announced the Executive Board would meet tomorrow at 1:00 p.m. in the Legislative Council Hearing Room.

RESOLUTION

LEGISLATIVE RESOLUTION 63.

Introduced by Anderson, 37th District.

WHEREAS, there are numerous complex issues which must be addressed so that the energy crisis may be solved, and

WHEREAS, the State Government of Nebraska is powerless except to play only a very nominal role in helping to solve the energy crisis, and

WHEREAS, the State Government of Nebraska needs to examine its powers and duties in regard to all aspects of the energy crisis.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature of the State of Nebraska establish an Interim Study Committee to study the extent of existing powers and duties of the Nebraska State Government in regard to the energy crisis.
2. That the Study Committee examine the necessity of expanding the powers and duties of the Nebraska State Government in regard to the energy crisis.
3. That if the Study Committee finds that new legislation is needed, the Study Committee shall place its recommendations for new legislation before the Legislature of Nebraska at the earliest possible date.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 358. Title read. Considered.

The Fellman pending amendments found in the Journal on page 1411 for the Seventy-second Day were adopted.

Advanced to E & R for Review with 25 ayes, 4 nays and 20 not voting.

LEGISLATIVE BILL 533. Laid over at the request of Mr. Clark.

LEGISLATIVE BILL 531. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 528. Title read. Considered.

Standing Committee amendments found in the Journal on page 953 for the Fifty-sixth Day were adopted.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on May 7, 1973 at 3:40 p.m.: LB 321, LB 321A, LB 345, LB 402, LB 449, LB 494 and LB 510.

(Signed) Barbara Jackson, Enrolling Clerk

MOTION—Introduce Bill

Mr. Barnett moved to suspend the Rules to introduce a new bill (Request No. 921).

The motion prevailed with 30 ayes, 0 nays and 19 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 585. By Barnett, 26th District.

A BILL FOR AN ACT to make an appropriation to provide financial assistance to the family of slain Trooper George Amos, Jr.; to provide for the disbursement thereof; to provide for two educational trust funds; to provide for lapses; and to declare an emergency.

VISITORS

President Marsh introduced Ms. Sue Smith, Nebraska Wheat Division Home Economist, Lois Kiester, from the State Department of Agriculture and the following members of Venezuelan, Colombian and Salvadorian Nutritionist Team: Miss Miriam Diaz, Venezuela; Mrs. Maria Teresa De Lara, El Salvador; Mrs. Luz Angela Ortiz, Columbia; Mrs. Elisa Quintana, Venezuela; and Ligia Restrepo, Great Plains Wheat, Caracos, Venezuela.

ADJOURNMENT

At 3:55 p.m., on a motion by Mr. Burbach, the Legislature adjourned until 9:00 a.m., Tuesday, May 8, 1973.

Vincent D. Brown
Clerk of the Legislature

SEVENTY-EIGHTH DAY—MAY 8, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

SEVENTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 8, 1973

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mr. Whitney presiding.

PRAYER

The prayer was offered by the Chaplain.

> O God, our Father, history and experience have given us so many evidences of Thy guidance to nations and to individuals that we should not doubt thy power or thy willingness to direct us.
>
> Give us the faith to believe that when God wants us to do or not to do any particular thing, God finds a way of letting us know it.
>
> May we not make it more difficult for Thee to guide us, but be willing to be led of Thee, that Thy will may be done in us and through us for the good of our state and us all. This we ask in Jesus' name. Amen.

PRESIDENT MARSH PRESIDING

ROLL CALL

The roll was called and all members were present except Mr. Kime who was excused; Mr. Snyder who was excused until 10:00 a.m.; Mr. Proud who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

Page 1522, line 4, insert "Schmit Snyder Stromer" before "Whitney".
The Journal for the Seventy-seventh Day was approved as corrected.

REFERENCE COMMITTEE REPORT

LB	**Committee**
585	General File

(Signed) Terry Carpenter, Chairman
Executive Board

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 55.

A BILL FOR AN ACT to amend section 84-1317, Reissue Revised Statutes of Nebraska, 1943, as amended by section 4, Legislative Bill 498, Eighty-third Legislature, First Session, 1973, relating to the State Employees Retirement Act; to provide for mandatory retirement at age seventy-two; to provide an operative date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Burbach
C. Carsten
F. Carstens
Chambers
Clark
DeCamp
Dickinson
Duis
Epke
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Kremer
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Murphy
Nore
Rasmussen
Richendifer
Savage
Simpson
Skarda
Stromer
Stull
Waldron
Warner
Wiltse

Voting in the negative, 0.

Not voting, 14:

Anderson
Barnett
Carpenter
Cavanaugh
Keyes
Kime
F. Lewis
Moylan
Proud
Schmit
Snyder
Stahmer
Syas
Whitney

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 349.

A BILL FOR AN ACT relating to insurance; to adopt the model unfair competition and trade practices act; and to repeal Chapter 44, article 15, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Anderson Barnett Carpenter C. Carsten F. Carstens
Chambers Clark DeCamp Dickinson Duis
Fellman Goodrich Hasebroock Johnson Kelly
Kennedy Keyes Kremer F. Lewis Luedtke
Mahoney Maresh Marsh Marvel Moylan
Murphy Nore Rasmussen Richendifer Schmit
Simpson Skarda Stahmer Stromer Stull
Waldron Warner Whitney Wiltse

Voting in the negative, 0.

Not voting, 10:

Burbach Cavanaugh Epke Fowler Kime
R. Lewis Proud Savage Snyder Syas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 515. With Emergency.

A BILL FOR AN ACT to amend sections 71-162, 71-180.04, 71-1,145, 71-1,147.03 to 71-1,147.08, 71-1,162, 71-1112, 71-1327, 71-1331, 71-1332, 71-2713, 71-4706, 71-4708, and 71-4711, Reissue Revised Statutes of Nebraska, 1943, sections 28-4,118, 28-4,122, and 71-2045.05, Revised Statutes Supplement, 1972, and section 71-2045.06, Revised Statutes Supplement, 1972, as amended by section 1, Legislative Bill 281, Eighty-third Legislature, First Session, 1973, relating to public health; to establish and increase certain fees for various registrations, licenses and permits and the renewal thereof; to provide for temporary permits; to change expiration dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Anderson Barnett Burbach Carpenter C. Carsten
Cavanaugh Chambers Clark DeCamp Dickinson
Duis Epke Fellman Fowler Goodrich
Hasebroock Johnson Kelly Kennedy Keyes
Kremer F. Lewis R. Lewis Luedtke Mahoney
Maresh Marsh Marvel Moylan Murphy

Nore	Rasmussen	Richendifer	Savage	Schmit
Simpson	Skarda	Stahmer	Stromer	Stull
Syas	Waldron	Warner	Whitney	Wiltse

Voting in the negative, 0.

Not voting, 4:

F. Carstens	Kime	Proud	Snyder

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

UNANIMOUS CONSENT–Change of Order

Mr. Carpenter asked unanimous consent to bracket LB 506A on Final Reading. Mr. Stahmer objected.

Mr. Carpenter asked unanimous consent to read LB 506 on Final Reading. Mr. Stahmer objected.

Mr. Carpenter moved to bracket LB 506A and read LB 506 on Final Reading. The motion prevailed with 28 ayes, 2 nays and 19 not voting.

UNANIMOUS CONSENT–Withdraw Request

Mr. Carpenter asked unanimous consent to withdraw the request on LB 506 and LB 506A. No objections. So ordered.

ANNOUNCEMENT

The President announced today is the 56th Anniversary of Mr. and Mrs. Ray Wilson.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 423. Placed on Select File as amended.
E & R amendments to LB 423:

1. Because of standing committee amendment 1, strike the new matter on page 2, line 26.
2. Because of standing committee amendment 2 to page 5, line 21, strike the new matter on page 5, lines 26 and 27.
3. Because of standing committee amendment 3, on page 7, line 14, strike "up to six per cent thereof".
4. On page 7, line 23, insert an underscored comma after "amended".

5. On page 2, line 2, insert ", as amended by section 2, Legislative Bill 248, Eighty-third Legislature, First Session, 1973" after "1972"; on page 4, line 3, strike "and"; and on page 4, line 7, insert "; and (9) to pay expenses for recruitment of academic, administrative, professional, and managerial personnel" after "it".

6. On page 4, line 9, insert ", as amended by section 3, Legislative Bill 248, Eighty-third Legislature, First Session, 1973" after "1943"; on page 4, line 24, strike "and"; on page 5, strike the new matter in lines 2 and 3 and insert "; and"; on page 5, after line 3 insert:

"(6) To pay expenses for recruitment of academic, administrative, professional, and managerial personnel; and"; and on page 5, line 4, strike "(6)" and insert "(7)".

7. On page 8, strike lines 10 to 13 and the amendment thereto and insert:

"Sec. 6. That original section 85-320, Reissue Revised Statutes of Nebraska, 1943, section 85-304, Reissue Revised Statutes of Nebraska, 1943, as amended by section 3, Legislative Bill 248, Eighty-third Legislature, First Session, 1973, and section 85-106, Revised Statutes Supplement, 1972, as amended by section 2, Legislative Bill 248, Eighty-third Legislature, First Session, 1973, and also section 79-1624, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

8. In the title, strike lines 2 to 11 and insert:

"FOR AN ACT to amend section 85-320, Reissue Revised Statutes of Nebraska, 1943, section 85-304, Reissue Revised Statutes of Nebraska, 1943, as amended by section 3, Legislative Bill 248, Eighty-third Legislature, First Session, 1973, and section 85-106, Revised Statutes Supplement, 1972, as amended by section 2, Legislative Bill 248, Eighty-third Legislature, First Session, 1973, relating to higher education; to provide for the investment of retirement funds; to provide for insurance benefits; to permit a retirement system for employees of the State Board of Technical Community Colleges or of any board; to repeal the original sections, and also section 79-1624, Reissue Revised Statutes of Nebraska, 1943.".

LEGISLATIVE BILL 516. Placed on Select File as amended.
E & R amendments to LB 516:

1. On page 3, line 16, insert "of this act" after "6".

2. In lieu of the standing committee amendment thereto, on page 4, line 11, strike "monthly" and insert "each pay period".

3. On page 5, strike lines 2 to 6 and insert "and amendments thereto, except that if any provisions of this act is in conflict therewith, the provisions of this act shall govern.".

(Signed) John J. Cavanaugh, Chairman

SELECT FILE

LEGISLATIVE RESOLUTION 23. Laid over.

LEGISLATIVE BILL 172. Laid over at the request of Mr. F. Lewis.

LEGISLATIVE BILL 311. E & R amendments found in the Journal on page 1512 for the Seventy-seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 45. E & R amendments found in the Journal on page 1512 for the Seventy-seventh Day were adopted.

Mr. Syas offered the following amendment:
Strike the Carpenter amendment.

Mr. Johnson moved the previous question. The question is, "Shall the debate now cease?" The motion prevailed with 33 ayes, 2 nays and 14 not voting.

The Syas amendment was adopted with 29 ayes, 10 nays and 10 not voting.

Mr. Barnett offered the following amendments:

1. On page 97, line 4, strike "24-536, Revised Statutes Supplement, 1972" and insert: "112 of this act".
2. On page 98, line 11, strike "24-536 Revised Statutes Supplement, 1972" and insert: "112 of this act".
3. On page 102, line 23, after "any" insert: "personal".

The amendments were adopted with 26 ayes, 0 nays and 23 not voting.

Mr. Barnett offered the following amendment:

1. On page 33, line 14, strike "sign" and insert "traffic-control device".

The amendment was adopted with 28 ayes, 0 nays and 21 not voting.

Mr. Skarda moved to bracket LB 45 on Select File until February 1, 1974. The motion lost with 19 ayes, 22 nays and 8 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 445A. E & R amendment found in the Journal on page 1538 for the Seventy-seventh Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 484. E & R amendments found in the Journal on page 1538 for the Seventy-seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 315. E & R amendments found in the Journal on page 1539 for the Seventy-seventh Day were adopted.

Mr. Schmit offered the following amendment:

1. On page 2, line 3, after "license" insert "; Provided, that this act shall not deny to any law enforcement officer the right to have a social membership in a social or professional organization having a liquor license".

Mr. Goodrich offered the following amendment, the first paragraph offered as an amendment to strike the Schmit amendment:

1. On page 2, after line 3, insert

"This section shall not prohibit a law enforcement officer from holding a membership in any nonprofit organization holding a liquor license. Such officer shall not participate in any manner in the management or administration of the nonprofit organization.

Any law enforcement officer may own stock in any organization holding a liquor license which receives its principal revenue from a source other than the sale of alcoholic beverages. Such officer shall not participate in any manner in the management of administration of the organization.".

Mr. Chambers requested a division of the question.

The first paragraph of the Goodrich amendment to strike the Schmit amendment and substitute his amendment was adopted with 27 ayes, 0 nays and 22 not voting.

The Schmit amendment was adopted as amended with 26 ayes, 0 nays and 23 not voting.

The second paragraph of the Goodrich amendment was considered.

Mr. Whitney asked unanimous consent to have the bill laid over. No objections. So ordered.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 563A. By the Judiciary Committee: Luedtke, 28th District, Chairman.

A BILL FOR AN ACT relating to appropriations; to make appropriations to aid in administering the provisions of Legislative Bill 563, Eighty-third Legislature, First Session, 1973; to amend section 23, Legislative Bill 259, Eighty-third Legislature, First Session, 1973; to repeal the original section; and to declare an emergency.

EXPLANATION OF VOTE

Had I been present yesterday, May 7, 1973, I would have voted "aye" on LB 449 on Final Reading and against the advancement of LB 286.

(Signed) Ernie Chambers

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans' Affairs

LB 584 Wednesday, May 16, 1973 1:00 p.m.

(Signed) Ernest Chambers, Chairman

STANDING COMMITTEE REPORTS
Government, Military and Veteran's Affairs

LEGISLATIVE BILL 550. Placed on General File as amended.
Standing Committee amendments to LB 550:

1. On page 2, line 11 reinstate "an" and strike the new matter.
2. On page 3, line 1 after the period insert "The order calling for the school bond election shall be filed with the county clerk or election commissioner in the county having the greatest number of electors entitled to vote on the question. The county clerk or election commissioner receiving such order shall conduct the school bond election for the school district.".
3. On page 4, lines 10 and 11 strike "where Class I, II, III or VI districts are" and show as stricken matter; line 13 after "commissioner" insert "or if the school district lies in more than one county, the county clerk or election commissioner in the county having the greatest number of electors entitled to vote on the question"; line 14 strike "prepare the form of ballot,"

and show as stricken matter; line 15 strike the period and insert "~~.~~who need not be the regular election officials and otherwise conduct the election as provided under Chapter 32, except as herein otherwise specifically provided. The school district shall designate the form of ballot and reimburse the county clerk or election official for the expenses of conducting the election. The school district officers shall give notice of the election at least twenty days prior to the election and cause the sample ballot to be published in a newspaper of general circulation in the school district one time not more than ten nor less than three days prior to the election, and no notice of the election shall be required to be given by the county clerk or election commissioner. The notice of election shall state where absent and disabled voters ballots may be obtained."; strike the new matter in lines 15 to 17; line 19 after "commissioner" insert "conducting the election"; line 19 strike the line after the first comma, strike lines 20 to 24 and in line 25 strike "in more than one county," and show the matter stricken in lines 20 to 25 as stricken matter.

4. On page 5, lines 1 and 6 after "commissioner" insert "conducting the election", line 10 strike "Absent and disabled voters", and strike lines 11 to 27.

5. On page 6, lines 1 to 6 strike the new matter and insert: "When a school district lies in more than one county the county clerk or election commissioner in any other county containing part of such school district shall upon request certify their registration books for those precincts in which the school district is located to the county clerk or election commissioner conducting the election and shall immediately forward all requests for absentee and disabled ballots to the county clerk or election commissioner charged with the issuing of absent and disabled voters ballots. Not less than five days prior to the election the school district officers shall certify to the county clerk or election commissioner conducting the election a list of all registered electors of the school district in any other county or counties qualified to vote on the bond issue.".

LEGISLATIVE BILL 552. Placed on General File as amended. Standing Committee amendments to LB 552:

1. On page 2, lines 2, 17, and 20 strike "two" and insert "four".
2. On page 5 strike the new matter in lines 1 to 5 and insert: "Provided, that those counties having a commissioner form of government may change their procedures for electing members to their governing body from district to at large or from at large to district following the procedures of section 5-108.".
3. On page 6, lines 26 and 27 strike "of the number of votes in any district or districts" and show as stricken matter, and in line 27 strike "inhabitants have" and insert "~~inhabitants have~~ population has".
4. On page 7 strike the new matter in lines 7 to 12 and insert: "; and provided further, that those counties under township organization may change their procedure for electing members to their governing board from district to at large or from at large to district following the provisions of section 5-108.".

LEGISLATIVE BILL 553. Placed on General File.

LEGISLATIVE BILL 554. Placed on General File.

LEGISLATIVE BILL 556. Placed on General File.

LEGISLATIVE BILL 557. Placed on General File as amended.
Standing Committee amendments to LB 557:

1. On page 9, line 6 after "Class II" insert ", III, and VI".
2. Strike section 7 and renumber section 8 as section 7.
3. On page 15, line 13 insert "and" before "79-705", and in line 14 strike "and 79-2620,".

LEGISLATIVE BILL 558. Placed on General File as amended.
Standing Committee amendment to LB 558:

1. On page 3, line 4 strike "if any city of"; strike lines 5 to 8 and insert: "those cities of the first class may change their procedures for electing members to their governing body from district to at large or from at large to district following the procedures in section 5-108.".

LEGISLATIVE BILL 559. Placed on General File as amended.
Standing Committee amendment to LB 559:

1. On page 5, line 20 strike "thirty" and insert "~~thirty~~ seventy", and on line 22 insert "or election commissioner" after "clerk".

LEGISLATIVE BILL 560. Placed on General File.

LEGISLATIVE BILL 561. Placed on General File.

(Signed) Ernie Chambers, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review
Correctly Engrossed

The following bills were correctly engrossed: 312, 544, 545, 573 and 580.

Correctly Enrolled

The following bills were correctly enrolled: 55, 349 and 515.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following: LB 55, LB 349 and LB 515.

STANDING COMMITTEE REPORTS
Government, Military and Veteran's Affairs

LEGISLATIVE BILL 549. Placed on General File as amended.
Standing Commitee amendments to LB 549:

1. On page 2 strike all the new matter in lines 19 to 24 and insert the following:

"Any city, except home rule charter, village, county or school district electing members to their governing board at large may at a general election submit the question of electing members to their governing board by district.

Any city, except home rule charter, village, county or school district electing members to their governing board by district may at a general election submit the question of electing members to their governing board at large.

Petitions for submission of the question shall be circulated and signed by registered electors of the city, except home rule charter, village, county or school desiring to change the procedures for electing their governing body. The petition or petitions shall be signed by registered electors equal in number to twenty-five per cent of the votes cast for the person receiving the highest number of votes in the city, except home rule charter, village, county, or school district at the preceding general election for electing the last member or members to their governing board. Each sheet of the petition shall have printed the full and correct copy of the question as it shall appear on the official ballot. Language for the petitions and official ballot shall be prepared in accordance to fit the election and shall be prepared by the county attorney. The petitions shall be filed with the county clerk or election commissioner not less than seventy days prior to the date of the general election and no signatures shall be added or removed from the petitions after they have been filed with the county clerk or election commissioner.

If the petition or petitions are found to contain the required number of valid signatures, it shall be the duty of the county clerk or election commissioner to place the question on a separate ballot to be issued to the electors of the city, except home rule charter, village, county or school district entitled to vote on such question.

The procedures for the notice of election, issuing absent and disabled ballots and all other procedures shall be as provided in Chapter 32 for all county and school districts and those cities, except home rule charter, and villages holding their election in conjunction with the statewide primary which shall be regarded as their general election. For those cities, except home rule charter, and villages holding their own election the procedures governing city and village elections shall be followed.

Any city, except home rule charter, village, county or school district voting to change from electing their members by district to at large shall notify the public and instruct the filing officer to accept all filings on an at large basis. Candidates shall be nominated and elected on an at large basis at the next primary and general election following submission of the question.

Any city, except home rule charter, village, county or school district voting to change from electing their members at large to electing by district shall notify the public and instruct the filing officer to accept all filings by district. Candidates shall be nominated and elected on a district basis at the next primary and general election following submission of the question. When the question for district elections has been approved by the majority of the electorate the governing body of any city, except home rule charter, village, county, or school district shall establish districts substantially equal in population as determined by the most recent federal census.

Each city, except home rule charter, village, county and school district shall establish districts so that its members may be nominated and elected from districts bearing odd numbers at one election and members may be nominated and elected from the districts having even numbers at the following election. Districts shall be created not later than July 1 in the year following the general election at which said question was voted upon. If the governing body fails to redistrict by July 1 any registered elector or group of registered electors may file suit in the proper court of the county for removal of the governing body for failure to comply with the expressions of the electorate through use of the ballot box. All vacancies because of removal shall be filled as provided by law.".

LEGISLATIVE BILL 555. Placed on General File as amended.
Standing Committee amendment to LB 555:

1. On page 2, line 24 after "elected" insert "or appointed".

(Signed) Ernest Chambers, Chairman

VISITORS

President Marsh introduced 75 Seniors, 1 adult and teacher Mr. Dave Haar from Burke School, Omaha.

President Marsh introduced 14 Eighth grade students, 5 adults and teacher Sister Gemma from Weston Johns School, Weston.

President Marsh introduced 32 Kindergarten through Eighth grade students, 8 adults and teacher Mrs. Barry M. Nowak from Rural No. 23, Omaha.

President Marsh introduced 42 Seventh and Eighth grade students and teachers Messrs. Stanton Smith and Rodger Payne from Hildreth Jr. High, Hildreth.

RECESS

At 11:55 a.m., on a motion by Mr. Stull, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:02 p.m., President Marsh presiding.

The roll was called and all members were present except Messrs. Fowler, Kime, and Johnson who were excused; and members of the Appropriation Committee who were absent.

UNANIMOUS CONSENT—Member Excused

Mr. Fowler asked unanimous consent to be excused for an indefinite time. No objections. So ordered.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 454.

(Signed) John J. Cavanaugh, Chairman

RESOLUTION

LEGISLATIVE RESOLUTION 64.

Introduced by Murphy, 17th District.

WHEREAS, LB 312 of the current session has been the center of much controversy and confusion; and

WHEREAS, the subject of detached auxiliary teller facilities has far-reaching ramifications which cannot be fully realized or understood in the limited time remaining this session; and

WHEREAS, this subject is deserving of extensive study.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

That a study of the subject of detached auxiliary teller facilities be made by an interim committee of the Legislature, with a report and recommendations, if any, for legislative action to be submitted to the next regular session of the Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 315. Mr. Goodrich asked unanimous consent to withdraw his pending amendment (paragraph 2) found in this day's Journal. No objections. So ordered.

Mr. Goodrich offered the following amendment:

Insert in Sec. 1, page 2, after the word license "provided that any law enforcement officer may own up to 5 percent of the stock in any organization holding a liquor license which receives its principal revenue from a source other than the sale of alcoholic beverages. Such officer shall not participate in any manner in the management or administration of the organization"

Mr. Goodrich moved for a Call of the House. The motion prevailed with 14 ayes, 12 nays and 23 not voting.

Mr. Stromer moved to raise the Call. The motion prevailed with 28 ayes, 0 nays and 21 not voting.

The Goodrich amendment lost with 24 ayes, 2 nays and 23 not voting.

Mr. Goodrich moved to indefinitely postpone LB 315. The motion lost with 1 aye, 25 nays and 23 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 299. E & R amendments found in the Journal on page 1539 for the Seventy-seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 485. E & R amendments found in the Journal on page 1539 for the Seventy-seventh Day were adopted.

Mr. Cavanaugh offered the following amendment which was adopted with 26 ayes, 0 nays and 23 not voting:

Page 5 Line 12, after spoken add "at an authorized committee meeting"

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 341. E & R amendments found in the Journal on page 1540 for the Seventy-seventh Day were adopted.

Advanced to E & R for Engrossment.

MOTION—Return LB 312 to Select File

Mr. Dickinson moved to return LB 312 to Select File for the following specific amendment:

1. Strike line 16, and all amendments thereto
and insert:
"limits ~~and~~ of the city in which such bank is located. Any
bank that establishes and maintains only one such auxiliary
teller office shall locate it within two thousand six";
in line 17, reinstate "hundred feet"; and in line 18,
strike "Neither" and insert "Any bank that establishes and
maintains two auxiliary teller offices shall locate the
first of such offices within two thousand six hundred feet
of the premises specified as its place of business in its
charter and the second one within three miles of such
premises. No such facility".

The motion lost with 17 ayes, 16 nays and 16 not voting.

UNANIMOUS CONSENT–Unbracket LB 162A

Mr. Waldron asked unanimous consent to unbracket LB 162A on E & R Final. No objections. So ordered.

MOTION–Return LB 162A to Select File

Mr. Waldron moved to return LB 162A to Select File for the following specific amendments:

1. On page 2, strike line 2 and insert "one hundred fifteen thousand six hundred eight dollars".
2. On page 2 after line 14 insert a new section:
"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

The motion prevailed with 25 ayes, 0 nays and 24 not voting.

UNANIMOUS CONSENT–Unbracket LB 228A

Mr. Luedtke asked unanimous consent to unbracket LB 228A on E & R Final. No objections. So ordered.

MOTION–Return LB 228A to Select File

Mr. Luedtke moved to return LB 228A to Select File for the following specific amendment:

1. On page 2, line 1, strike "one"; strike line 2 and insert "eighty-five thousand three hundred ninety-five dollars"; in line 6 strike "thousand" and strike ", for Program 007,"; strike line 7; and in line 8 strike "hundred ninety-five dollars,".

The motion prevailed with 26 ayes, 1 nay and 22 not voting.

SELECT FILE

LEGISLATIVE BILL 162A. The Waldron specific amendment found in this day's Journal was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 228A. The Luedtke specific amendment found in this day's Journal was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Engrossment.

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on May 8, 1973 at 2:15 p.m. were the following: LB 55, LB 349 and LB 515.

(Signed) Barbara Jackson, Enrolling Clerk

STANDING COMMITTEE REPORTS

Government, Military and Veteran's Affairs

LEGISLATIVE BILL 562. Placed on General File as amended.
Standing Committee amendments to LB 562:

1. On page 5, line 13 strike "twenty-five" and insert "twenty".
2. On page 6, line 21 strike "members of school boards and" and show as stricken matter.
3. On page 10, line 25 insert "to the receiving board" after "appoint".
4. On page 13, line 20 after the stricken matter insert "and school district name and number;".
5. On page 15 line 27 and page 16 line 6 strike "twenty-five" and insert "twenty".
6. On page 16 line 21 strike "fourteen" and insert "ten", and line 26 strike "thirteen" and insert "nine".
7. On page 18 line 2 strike "sixty" and insert "sixty one hundred fifty", line 5 strike "ten" and insert "nine", and in line 10 strike "nine" and insert "eight".
8. On page 19 line 12 strike "sixty" and insert "~~sixty~~ one hundred fifty", line 15 strike "eight" and insert "nine", and on line 19 strike "six" and insert "eight".
9. On page 20, line 20 strike "twenty-five" and insert "twenty".
10. On page 24 line 6 after "appointment" insert "by each political party".
11. On page 25 line 14 strike "and township officers" and show as stricken matter.
12. On page 27 line 16 after "appointment" insert "by their respective political parties".
13. On page 35 lines 5 to 7 strike the new matter and insert "but for officers named in this section there shall be no write-in space provided".
14. On page 37 line 8 strike the line beginning with "printed" and show as stricken matter, strike line 9 and show as stricken matter and insert "posted two".
15. On page 40 line 6 strike "proper governing board" and show as stricken matter.
16. On page 41 line 22 and page 52 line 16 strike "twenty-five" and insert "twenty".
17. On page 54 line 10 strike "with" and insert "when" and line 22 strike "the" and show as stricken matter.
18. On page 59 line 16 strike "12 o'clock noon" and insert "1 o'clock p.m.".
19. On page 66 line 25 reinstate "each" and strike "the first".
20. On page 70 line 1 strike "State Department" and insert "Board".
21. On page 73 line 3 after "vacated" insert ", and the county attorney shall notify the elected official and the governing board on which he serves of such vacancy".

22. On page 78 lines 14 and 15 strike "the majority of the children of school age reside" and insert "greatest number of electors entitled to vote on the question".

23. On page 79 line 12 reinstate "ten" and line 13 strike "twenty-five".

24. On page 85 line 19 strike "district" and insert "precinct".

25. On page 102 line 27 strike "from outside the county".

26. On page 108 line 19 after "public" insert ", upon completion of the election".

27. On page 113, line 12 strike "12:00 o'clock noon" and insert "~~12:00 o'clock noon~~ 1:00 o'clock p.m.".

28. On page 118 line 1 reinstate the stricken matter.

29. Add a new section to be known as section 92 and to read as follows:

"Sec. 92. Any person who is confined by public order and has not been convicted of treason or a felony under the law of the state or of the United States shall be able to register and vote by use of the United States mail or by an agent appointed by such voter. Such person may register during the regular registration period or by completing the duplicate set of registration forms accompanying the confined voters ballots. The registration forms received by the confined voter through the United States mail or through the confined voters agent shall be completed and signed by the confined person and verified by the warden, county sheriff, deputy sheriff, chief of police or any other officer of the law. Registration forms are to be returned under separate cover to the county clerk or election commissioner by the confined voters agent or by the United States mail. Any confined voter who knows he will be confined on election day may not more than thirty-five days before any election and not later than 4 o'clock p.m. on the Friday preceding such election request ballots to be mailed or have his agent obtain his ballots for delivery to his place of confinement. Any confined voter because of his confinement may on the day before any election and not later than 12:00 o'clock noon on the day of election request ballots by appointing an agent to personally pick up the ballots at the office of county clerk or election commissioner. The agent shall deliver the ballots to the confined voter and return the ballots to the issuing officer not later than 8:00 o'clock p.m. on the day of election. A request for ballots shall be in writing to the county clerk or election commissioner of the county of the confined voter's residence stating the confined voter's mailing address by street and number or similar description, such as rural route, political party, and voting precinct if known. The application must be signed by the confined voter. The county clerk or election commissioner shall include duplicate registration forms with each set of ballots if the confined voter has not previously registered. All confined voters shall be considered to be absent from the county of their residence for voting purposes and shall be entitled to vote an absentee ballot. Each confined voter will receive an identification envelope. The identification envelope shall be signed by the confined voter and by the warden, sheriff, deputy sheriff, chief of police or any other officer of the law. The confined voter's envelope shall be as follows:

CONFINED VOTER'S IDENTIFICATION

I, the undersigned, say that my home address is . . . . county of . . . . . State of Nebraska; that

I will be absent from my home on the day of election because of being confined by public order and that I affiliate with the .... political party (if primary fill this in only) that the within ballot was received, exhibited to and thereafter marked in the presence of an officer of the law knowing of my confinement and that I have not voted at the election for which the within ballot was printed except by the within ballot.

Dated this .... day of .... 19 ......

....
Signature of Voter.
....
Officer of the Law sign here

Upon issuing a confined voter's ballot the county clerk or election commissioner shall at once enter the confined voter's name, address and voting precinct, in the absent and disabled list of voters book to be kept by the county clerk or election commissioner, which book shall be open to the public. All ballots of confined voters shall be voted not later than 8 o'clock p.m. on election day and the officer of the law signing the identification envelope shall show the time of day in which the ballots were cast which shall be not later than 8 o'clock p.m. on the day of election. A confined voter's ballot shall be counted if the ballots are in the hands of the county clerk or election commissioner not later than 10 o'clock p.m. on the second day following the election.".

30. Renumber original section 92 as section 93.

(Signed) Ernest Chambers, Chairman

MOTION—Introduce Bill

Mr. Carpenter moved to suspend the Rules for the introduction of a new bill by the Committee on Miscellaneous Subjects, and place the bill on General File without a public hearing. (Request No. 918)

The motion prevailed with 30 ayes, 0 nays and 19 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 586. By the Miscellaneous Subjects Committee: Waldron, 42nd District, Chairman; Carpenter, 48th District; Skarda, 7th District; Cavanaugh, 9th District; Fellman, 4th District.

A BILL FOR AN ACT to amend section 79-1455, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide the State Board of Education with discretionary powers; and to repeal the original section.

UNANIMOUS CONSENT—Change of Order

Mr. Carpenter asked unanimous consent to consider LB 577 and LB 246 on General File for May 10, after LB 472 and LB 499. No objections. So ordered.

Mr. Chambers asked unanimous consent to consider LB 549 through LB 562, excluding LB 551, on General File for May 9.

Mr. Carpenter asked unanimous consent to amend the request to put the bills ahead of LB 533 on General File. No objections. So ordered.

The request was adopted as amended.

UNANIMOUS CONSENT—Member Excused

Mr. F. Carstens asked unanimous consent to be excused the remainder of the day. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 267. Laid over at the request of Mr. Warner.

LEGISLATIVE BILL 310. Title read. Considered.

Mr. DeCamp offered the following amendment which was adopted:

1. On page 6 after line 14 insert a new section as follows:

"Sec. 8. No person to be elected to public office at any election or primary, except for state officers, shall be required to meet a residence requirement of longer than six months in order to be eligible to be a candidate for such office. The Legislature finds and declares that the election of public officials and the qualifications related thereto, are a matter of general statewide concern, notwithstanding the provisions of any home rule charter."

2. Renumber original section 8 as section 9.

Mr. Carpenter moved to indefinitely postpone LB 310.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now cease?" The motion lost with 22 ayes, 0 nays and 27 not voting.

Mr. Stromer moved the previous question. The question is, "Shall the debate now cease?" The motion prevailed with 25 ayes, 0 nays and 24 not voting.

The Carpenter motion to indefinitely postpone prevailed with 18 ayes, 12 nays and 19 not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 286. Placed on Select File as amended.
E & R amendments to LB 286:

1. In the Anderson amendment 1, lines 7 and 14, strike the comma; in lines 16, 20, and 26, strike the period and insert a semicolon; and in line 30, strike the period and insert "; and".

2. In the Anderson amendment 3, strike lines 1 to 3, and insert "3. In section 2, line 6, strike the semicolon and insert ', except that in cases in which the unborn' "; and in the last line strike the period and insert a semicolon.

3. In section 2, line 14, strike ", and amendments thereto".

4. In section 4, lines 1 and 2, strike "contained in" and insert "of"; and in line 4, strike "and not" and insert "nor".

5. In section 7, line 4, strike "for a period" and strike "and not" and insert "nor".

6. In section 9, insert a comma at the end of line 1.

7. In section 10, line 4, strike "for"; and in line 5, strike "and not" and insert "nor".

8. In section 11, line 4, strike "for a period" and strike "and not" and insert "nor".

9. In section 12, line 4, strike "for a period" and strike "and not" and insert "nor".

10. In section 15, lines 2 and 4, insert "thereof" after "conviction"; in line 6, strike "imprisoned" and insert "by imprisonment"; and in line 7, strike "or" and insert "nor".

11. In section 18, lines 5 and 6 and line 11, strike "for a period of"; in line 9, strike the comma; and in line 11, strike "be" and insert "by".

12. In section 19, line 19, strike "forms" and insert "form"; and in lines 22 and 23, strike "all items" and insert "any item".

13. In section 20, line 5, strike "and not" and insert "nor"; and in line 6, strike "for".

14. In renumbered section 21, line 4, strike "such" and insert "which".

15. Add a new section to read:

"Sec. 24. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

16. In the title, strike lines 2 to 6 and insert: "FOR AN ACT relating to public health; to state findings; to define terms; to regulate the practice of abortion as prescribed; to make certain acts unlawful; to provide penalties; to provide remedies; to provide duties; to provide severability; to repeal sections 28-404 and 28-405, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.".

LEGISLATIVE BILL 358. Placed on Select File as amended. E & R amendment to LB 358:

1. In the title, line 2, strike "section" and insert "sections 79-488, 79-488.06, and"; in line 5, insert "to extend provisions to all school buses and school bus drivers;" after the semicolon; and in line 5, insert "the" after "for".

LEGISLATIVE BILL 531. Placed on Select File as amended. E & R amendments to LB 531:

1. On page 2, line 26, strike "will" and insert "shall".
2. On page 3, line 5, strike "shall" and insert "will"; and in line 7, insert an underscored comma after "state".
3. On page 4, line 20, strike "will" and insert "shall".
4. On page 5, line 2, insert an underscored comma after "state"; and in line 21, strike the comma.
5. In the title, line 6, insert "to provide an operative date;" after the semicolon.

LEGISLATIVE BILL 528. Placed on Select File as amended. E & R amendments to LB 528:

1. Renumber new section 11, added by standing committee amendment 5, as section 10, original section 17 as section 11, original sections 10 to 16 as sections 12 to 18, and original sections 18 and 19 as sections 19 and 20.
2. On page 2, line 11, strike "a" and show as stricken.
3. On page 6, line 22, strike "This" and insert "Such"; and in line 27 strike "this" and insert "such".

4. On page 7, line 5, strike "This" and insert "Such"; and in line 9 strike "this" and insert "such".

5. On page 8, line 18, strike the second comma and show as stricken; and in line 23 insert "the" after the second "of".

6. On page 10, line 2, strike "such" and insert "the"; in lines 8 and 14, strike "subsection" and insert "subdivision"; and in lines 9 and 15 strike the comma.

7. On page 11, line 24, strike "subsection" and insert "subdivision,"; and in line 26 insert an underscored comma after "county" and strike the comma at the end of the line.

8. On page 12, line 6, strike "herein" and insert "in this section"; and in line 23 strike the comma.

9. On page 13, line 4, strike the first comma; and in line 24, strike "such" and insert "the".

10. On page 14, line 7, strike "above specified" and at the end of the line insert "provided in this section".

11. On page 15, lines 7 and 17, strike "This" and insert "Such"; and in lines 12 and 21, strike "this" and insert "such".

12. On page 20, line 4, strike "heretofore" and insert "theretofore"; insert an underscored comma after "may" in line 5 and "time" in line 18; in line 7 insert "a" after "for"; and in line 19 strike "said" and insert "the".

13. On page 22, line 22, strike "such" and insert "the".

14. On page 23, strike the comma in lines 3 and 9; and in line 8 strike "subsection" and insert "subdivision".

15. On page 24, line 18, strike "subsection" and insert "subdivision,".

16. On page 25, line 1, strike "herein" and insert "in this section".

17. On page 25, line 17, strike the comma; in line 22 insert "law" after "tax"; and in line 26 strike the first comma.

18. On page 26, line 20, strike "such" and insert "the".

19. On page 27, line 2, strike "above specified" and at the end of the line insert "provided in this section"; in line 17 strike "mailed" and insert "either by"; in line 18 insert "mail" after "certified"; and in line 24, insert "a" after "for".

20. On page 2, line 18, insert ", as amended by section 1, Legislative Bill 397, Eighty-third Legislature, First Session, 1973" after "1943"; and in line 20 insert ", except as provided in section 3 of ~~this act~~ Legislative Bill 397," after "applicant".

21. On page 17, line 7, insert ", as amended by section 2, Legislative Bill 397, Eighty-third Legislature, First Session, 1973" after "1943"; and in line 11 insert ", except as provided in section 3 of ~~this act~~ Legislative Bill 397," after "person".

22. On page 28, line 16, strike "66-404,"; in line 18 strike "66-609,"; and at the end of line 19 insert "and sections 66-404 and 66-609, Reissue Revised Statutes of Nebraska, 1943, as amended by sections 1 and 2, respectively, Legislative Bill 397, Eighty-third Legislature, First Session, 1973,".

23. In the title, line 2, strike "66-404,"; in line 4 strike "66-609,"; in line 6 insert "and sections 66-404 and 66-609, Reissue Revised Statutes of Nebraska, 1943, as amended by sections 1 and 2, respectively, Legislative Bill 397, Eighty-third Legislature, First Session, 1973," after the second comma; and in line 11 insert "to provide procedures; to provide severability;" after the semicolon.

(Signed) John J. Cavanaugh, Chairman

VISITORS

President Marsh introduced 23 Sophomore students from Overton High School, Overton and teachers Messrs. Don E. McKee and James Walker.

President Marsh introduced Mr. Richard J. Norpel, Sr. from Iowa.

President Marsh introduced 19 Senior students from Axell High School, Axtell and teachers Messrs. Wahlmeier and Pettijohn.

ADJOURNMENT

At 3:55 p.m., on a motion by Mr. Carpenter, the Legislature adjourned until 9:00 a.m., Wednesday, May 9, 1973.

Vincent D. Brown
Clerk of the Legislature

SEVENTY-NINTH DAY–MAY 9, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

SEVENTY-NINTH DAY

Legislative chamber, Lincoln, Nebraska
Wednesday, May 9, 1973

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mr. Whitney presiding.

PRAYER

The prayer was offered by the Chaplain.

> Almighty Father, in decisions before us which effect the lives of human beings, give us an equation between the telescopic and the microscopic view of life. May we endeavor to see issues in their minute details and also from a long range perspective. May we not be absorbed in the tyranny of trifles and lose the meaning of the larger issues. Give us clear minds. May we not be submerged in indecisions which multiply our problems, divide our worth, add to our sleeplessness, and subtract from our value to the people of our State. In our Lord's name. Amen.

SPEAKER PROUD PRESIDING

ROLL CALL

The roll was called and all members were present except Mrs. Marsh and Mr. Kime who were excused; Mr. Kremer who was excused until 10:00 a.m.; Messrs. DeCamp and Stahmer who were excused until they arrive; Mr. Chambers who was absent until 9:45 a.m.

CORRECTIONS FOR THE JOURNAL

Page 1559, line 8, delete "Select" and insert "General".
Page 1561, line 35, delete "568" and insert "586".
The Journal for the Seventy-eighth Day was approved as corrected.

MESSAGE FROM THE GOVERNOR

May 8, 1973

Mr. Speaker, and Members
of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Speaker and Senators:

With reluctance and with the cautions outlined herein, I have today signed into law LB 547.

This measure attempts to clear the way, as authorized by the people in approving a constitutional amendment last year, for committing future legislatures and the executive to action on future capital construction.

In effect, by LB 547, the Legislature has attempted to set up the machinery to allow the binding of future appropriations.

A closer look at the bill indicates that it may have some drafting deficiencies which may require future action by your body.

Evidently your intention was to allow for construction contracts to be binding over a number of years.

It would appear that you may not have accomplished that end since the bill provides, "Construction may be commenced after contracts are awarded, but the obligation of the state in any fiscal year under such contracts shall not exceed the amount appropriated for that purpose in such fiscal year."

Such language could impair even starting construction if this bid were in excess of your authorization for a given year.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:fw

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 485. Replaced on Select File as amended.
E & R amendment to LB 485:

1. On page 2, line 16, strike "and employees"

and show as stricken.

LEGISLATIVE BILL 162A. Replaced on Select File as amended.
E & R amendments to LB 162A:

1. On page 2, line 3, strike "September"

and insert "July".

2. In the title, strike lines 2 and 3 and

insert:
"FOR AN ACT to appropriate one hundred fifteen thousand

six hundred eight dollars from the state";
in line 4 strike "September" and insert "July"; and in
line 9 insert "; and to declare an emergency" after "1973".

LEGISLATIVE BILL 228A. Replaced on Select File as amended.
E & R amendments to LB 228A:

1. In line 3 of the Luedtke amendment, strike the first comma.
2. In the title, strike lines 2 and 3 and insert:

"FOR AN ACT to appropriate eighty-five thousand three
hundred ninety-five dollars from the"; and
strike beginning with "for" in line 8 through the comma in
line 10.

(Signed) John J. Cavanaugh, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 180.

A BILL FOR AN ACT to amend section 81-502, Revised Statutes Supplement, 1972, relating to the State Fire Marshal; to repeal the Life Safety Code; to provide for rules and regulations; to provide procedures; and to repeal the original section.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Barnett	Burbach	F. Carstens	Cavanaugh	Clark
Duis	Epke	Fowler	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	F. Lewis
R. Lewis	Luedtke	Maresh	Marvel	Moylan
Murphy	Nore	Proud	Rasmussen	Richendifer
Schmit	Simpson	Skarda	Snyder	Stull
Syas	Waldron	Warner	Whitney	Wiltse

Voting in the negative, 0.

Not voting, 14:

Anderson	Carpenter	C. Carsten	Chambers	DeCamp
Dickinson	Fellman	Kime	Kremer	Mahoney
Marsh	Savage	Stahmer	Stromer	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 266.

A BILL FOR AN ACT to amend sections 48-1101, 48-1104, 48-1105, 48-1106, 48-1107, 48-1108, 48-1111, 48-1113, 48-1115, 48-1117, 48-1119, 48-1122, and 48-1124, Reissue Revised Statutes of Nebraska, 1943, and section 48-1102, Revised Statutes Supplement, 1972, as amended by section 2, Legislative Bill 265, Eighty-third Legislature, First Session, 1973, relating to the Nebraska Fair Employment Practice Act; to include disabled persons in the Nebraska Fair Employment Practice Act as prescribed; and to repeal the original sections.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Anderson Barnett Carpenter C. Carsten F. Carstens
Cavanaugh Clark Dickinson Duis Epke
Fellman Fowler Goodrich Hasebroock Johnson
Kelly Kennedy Keyes F. Lewis R. Lewis
Luedtke Mahoney Maresh Moylan Murphy
Proud Rasmussen Richendifer Savage Schmit
Simpson Skarda Snyder Stromer Stull
Syas Waldron Warner Whitney Wiltse

Voting in the negative, 0.

Not voting, 9:

Burbach Chambers DeCamp Kime Kremer
Marsh Marvel Nore Stahmer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 435. Mr. Savage asked unanimous consent to bracket LB 435 on Final Reading. Mr. Nore objected.

Mr. Savage moved to bracket LB 435 on Final Reading until next session. The motion prevailed with 25 ayes, 10 nays and 14 not voting.

LEGISLATIVE BILL 548.

A BILL FOR AN ACT to amend section 24-536, Revised Statutes Supplement, 1972, as amended by section 1, Legislative Bill 6, Eighty-third Legislature, First Session, 1973, relating to courts; to provide for trial of traffic infractions without a jury as prescribed; and to repeal the original section.

Whereupon the Speaker stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 26:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Epke
Johnson
Kelly
Keyes
Luedtke
Marvel
Moylan
Proud
Richendifer
Savage
Schmit
Simpson
Snyder
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 12:

Cavanaugh
Clark
Dickinson
Duis
Fellman
Fowler
F. Lewis
R. Lewis
Mahoney
Maresh
Rasmussen
Skarda

Not voting, 11:

Chambers
DeCamp
Goodrich
Hasebroock
Kennedy
Kime
Kremer
Marsh
Murphy
Nore
Stahmer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MESSAGE FROM THE GOVERNOR

May 8, 1973

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Reengrossed Legislative Bill No. 402, and Engrossed Legislative Bills Nos. 321, 321A, 345, 474, 493, 497, and 510.

These bills were signed by me on May 8, 1973 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

UNANIMOUS CONSENT—Member Excused

Mr. F. Carstens asked unanimous consent to be excused at 11:00 a.m. this morning. No objections. So ordered.

MR. WHITNEY PRESIDING

SELECT FILE

LEGISLATIVE RESOLUTION 23. Mr. R. Lewis moved for adoption of his amendment found in the Journal on page 1501 for the Seventy-sixth Day.

Mr. Goodrich moved to suspend the rules to allow Mr. R. Lewis to amend LR 23 on Select File with a majority vote of those voting. The motion prevailed with 31 ayes, 0 nays and 18 not voting.

Mr. Carpenter requested a record vote on the R. Lewis amendment.

Mr. Goodrich asked unanimous consent to have LR 23 printed with the R. Lewis amendment incorporated and placed on the members desks. No objections. So ordered.

LEGISLATIVE BILL 286. E & R amendments found in the Journal on page 1563 for the Seventy-eighth Day were adopted.

Mr. Maresh offered the following amendment:

1. Insert a new section to read:

"Sec. 22. No applicant for admission to any course of medical or paramedical training of any kind shall, in connection with his application, be asked any question concerning his willingness or refusal to perform, participate in, or assist in any act of abortion, nor shall any such applicant be denied admission because of his refusal to perform, participate in, or assist in any such act. No student in any such course shall be required, against his will, to perform, participate in, or assist in any such act or be dismissed for refusing to do so.".

2. Renumber sections 22 to 24 as sections 23 to 25.

Amendments pending.

Laid over at the request of Mr. Maresh.

LEGISLATIVE BILL 172. Laid over.

LEGISLATIVE BILL 423. E & R amendments found in the Journal on page 1547 for the Seventy-eighth Day were adopted.

Mr. Goodrich offered the following amendment:

Beginning on Page 8, Line 3 be amended to read as follows:

"The investment for such a retirement plan shall be made by the state investment officer; provided, however, that so long as the employees of the Omaha Nebraska Technical Community College are members of the Omaha School Employees Retirement System, the investment program of the Omaha Nebraska Technical Community College shall be administered exclusively as defined in Section 79-1051 of the Nebraska statutes.

The amendment was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 516. E & R amendments found in the Journal on page 1548 for the Seventy-eighth Day were adopted.

Advanced to E & R for Engrossment.

SPEAKER PROUD PRESIDING

LEGISLATIVE BILL 358. E & R amendment found in the Journal on page 1564 for the Seventy-eighth Day was adopted.

Mr. Fellman offered the following amendment:

Add severability clause.

The amendment was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 531. E & R amendments found in the Journal on page 1564 for the Seventy-eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 528. E & R amendments found in the Journal on page 1564 for the Seventy-eighth Day were adopted.

Mr. Burbach offered the following amendments:

1. On page 10, line 26, strike "original" and insert "such
2. On page 11, line 1 after "notices" insert "; Provided, that in offices filing by the roll form of microfilm pursuant to section 23-1517.01, the original certificates need not be retained"; on line 4, strike "original"; on line 8, strike "permanently attach" and insert "file", and strike "original"; on line 9, strike "to" and insert "with", and strike "original".
3. On page 23, line 20, strike "original" and insert "such"; on line 22, after "notices" insert "; Provided, that in offices filing by the roll form of microfilm pursuant to section 23-1517.01, the original certificates need not be retained"; on line 25, strike "original".
4. On page 24, line 2, strike "permanently attach" and insert "file", and strike "original"; on line 3, strike "to" and insert "with", and strike "original".

The amendments were adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Engrossment.

ATTORNEY GENERAL'S OPINION

Opinion No. 48
May 9, 1973

Senator J. W. Burbach
Nebraska State Legislature
State Capitol
Lincoln, Nebraska

Dear Senator Burbach:

In your letter of May 3, 1973, you ask our opinion as to the constitutionality of L. B. 534. This bill would amend Sections 77-1226.01 and 77-1226.02, R. R. S. 1943, to give the exemption provided for in Section 77-1226.01 to goods stored in bonded and licensed storage areas owned by the owner of such goods, when the goods are intended for and are shipped to final destinations outside the state, even though such bonded and licensed storage areas are not made available to the general public for compensation.

We will not comment on the details of the bill or the mechanics for the implementation of it, but will confine our discussion to the constitutionality of the general purpose of the bill. The exemption which would be granted by this bill, as well as that granted by the present statutes to goods, wares and merchandise stored in transit in bonded and licensed warehouses available to the general public for compensation, is authorized, if at all, by Article VIII, Section 2A of the Nebraska Constitution, which provides:

> "The Legislature may establish bonded and licensed warehouses or storage areas for goods, wares and merchandise in transit in the state which are intended for and which are shipped to final destinations outside this state upon leaving such warehouses or storage areas, and may exempt such goods, wares and merchandise from ad volorem taxation while in such storage areas. (Adopted, 1960.)"

The basic question we must decide is whether this constitutional provision authorizes an exemption to goods belonging to the owner of the warehouse or storage area in which they are stored, when such warehouse or storage area is not available to the public in general, but is used by the owner solely for the storage of his own goods. We find nothing in Section 2A which expressly excludes the exemption from goods owned by the owner of the warehouse or storage area, nor which requires that the bonded and licensed warehouses or storage areas be available to the public generally. If a warehouse or storage area can be bonded and licensed, although not available to the public, and if the goods, wares and merchandise stored in such warehouse or storage area are in transit and are intended for and are shipped to final destinations outside the state upon leaving such warehouse or storage area, such goods, wares and merchandise would appear to come within the literal language of Section 2A, and would be authorized by such section to be exempted from taxation.

On January 5, 1973, the Nebraska Supreme Court decided the case of Norden Laboratories, Inc. v. County Board of Equalization, 189 Neb. 437, 203 N. W. 2d 152. This case involved an interpretation of Sections 77-1226.01 to 77-1226.04, as they presently read. The plaintiff in that case asked the court to construe the present statutes to accomplish the result which would be accomplished by L. B. 534. The trial court held that the present statutes authorized the exemption of goods, wares and merchandise stored by the owner in its own licensed, bonded warehouse. The Supreme Court reversed, but did it solely on the basis of statutory construction, and not on constitutional grounds. The court held that the definition of bonded and licensed warehouses in Section 77-1226.02, as being those engaged in the business of storing goods, wares and merchandise for compensation, which issued warehouse receipts to the owner or depositor thereof, operating under a bailee-bailor relationship, offering and making available its facilities to the public generally for various goods, commodities, products or services and continuously making available and using its facilities for public storage for compensation, prevented the plaintiff from coming within the language of the statute.

We have examined the briefs of the parties to that suit, to see whether the constitutional issue was raised. We find that the County Board of Equalization did raise the constitutional issue, contending that a construction of the statute in accordance with the plaintiff's position would be in violation of the constitution, because unauthorized by Article VIII, Section 2A of the constitution. The court did not specifically reject that argument, but did not see fit to discuss it, and, by deciding the case solely on the basis of statutory construction, seemed to imply that different statutory language would have resulted in a different decision.

Of special significance, we believe, in determining what the Supreme Court would say about this question, is the fact that Justices Boslaugh and McCown dissented, saying that, in their opinion, the exemption should be granted to the plaintiff under the present statute. In so holding, these justices, at least, were specifically rejecting the constitutional argument of the defendant. In view of the requirement of the Nebraska Constitution that an act of the Legislature shall not be declared unconstitutional except on the vote of five members of the Supreme Court, it would appear that L. B. 534 would not be declared to be unconstitutional if any one of the justices voting with the majority in the Norden Laboratories case were to join the two dissenting justices in holding that Section 2A would authorize the exemption which would be granted by L. B. 534. In our opinion, such an exemption comes within the literal language of Section 2A, and, in our opinion, would be upheld by the Supreme Court.

Very truly yours,

CLARENCE A. H. MEYER
Attorney General

(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:jc

cc: Vincent Brown
Clerk of the Legislature

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 180, 266 and 548.

(Signed) John J. Cavanaugh, Chairman

SPEAKER SIGNS

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LB 180, LB 266 and LB 548.

UNANIMOUS CONSENT—Member Excused

Mr. Kelly asked unanimous consent to be excused Thursday and Friday, May 10 and May 11. No objections. So ordered.

UNANIMOUS CONSENT–Approve Appointments

Mr. Whitney asked unanimous consent to approve the following Governor appointments found in the Journal on pages 1536, 1537, and 1538 for the Seventy-seventh Day in one vote. No objections. So ordered.

Dr. Vance Rogers – State Commission for Higher Educational Aid
Glen Ilgenfritz – State Commission for Higher Educational Aid
Thomas L. Morrissey – State Commission for Higher Educational Aid
Dr. Leonard Skov – State Commission for Higher Educational Aid
Mrs. Marilu Ellerbroek – State Commission for Higher Educational Aid
Lester Harsh – State Commission for Higher Educational Aid
Vernon E. Malolepszy – Director, Division of Employment

Voting in the affirmative, 29:

Anderson Barnett Burbach C. Carsten Cavanaugh
Duis Epke Hasebroock Johnson Kennedy
Keyes R. Lewis Mahoney Maresh Moylan
Murphy Nore Proud Rasmussen Savage
Simpson Skarda Snyder Stull Syas
Waldron Warner Whitney Wiltse

Voting in the negative, 0.

Not voting, 20:

Carpenter F. Carstens Chambers Clark DeCamp
Dickinson Fellman Fowler Goodrich Kelly
Kime Kremer F. Lewis Luedtke Marsh
Marvel Richendifer Schmit Stahmer Stromer

The appointments were confirmed with 29 ayes, 0 nays and 20 not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 65.

Introduced by Chambers, 11th District.

WHEREAS, large numbers of Nebraska citizens face the problem of inadequate housing; and

WHEREAS, public housing provides a means for coping with problems attendant upon inadequate housing in the state; and

WHEREAS, public (federal) funds are expended for obtaining and maintaining public housing, thereby creating legislative interest and concern in how effectively Public Housing Authorities achieve their goals; and

WHEREAS, various specific programs and projects are undertaken by Public Housing Authorities to achieve specified goals related to providing decent, safe and adequate housing; and

WHEREAS, it is uncertain to what degree Public Housing Authorities are discharging their responsibilities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

That an interim committee be appointed to study all aspects of public housing in the state and to make recommendations to the Legislature for any appropriate legislative action needed to assist Public Housing Authorities in meeting the goals of providing decent, safe and adequate housing for their tenants; and to upgrade the quality of life in public housing.

Referred to the Executive Board.

MOTIONS—Introduce Bills

Mr. Waldron moved the introduction of a new bill by the Committee on Miscellaneous Subjects (Request No. 923). The motion prevailed with 30 ayes, 0 nays and 19 not voting.

Mr. Whitney moved the introduction of a new bill by the Committee on Nebraska Retirement Systems (Request No. 922). The motion prevailed with 31 ayes, 0 nays and 18 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 587. By the Miscellaneous Subjects Committee: Waldron, 42nd District, Chairman; Carpenter, 48th District; Skarda, 7th District; Fellman, 4th District; Mahoney, 5th District.

A BILL FOR AN ACT relating to restraint of trade; to make certain acts in the sale or distribution of motor vehicle fuel or special fuel unlawful; to provide penalties; to provide for damages; to provide for enforcement and administration; and to declare an emergency.

LEGISLATIVE BILL 588. By the Nebraska Retirement Systems Committee: Whitney, 44th District, Chairman; Hasebroock, 18th District; F. Lewis, 45th District; Luedtke, 28th District; Goodrich, 20th District; Marvel, 33rd District.

A BILL FOR AN ACT to amend sections 15-1007, 35-203.01, and 35-212, Reissue Revised Statutes of Nebraska, 1943, and section 16-336, Revised Statutes Supplement, 1972, relating to pensions; to eliminate restrictions on the return of contributions of future terminating firemen or policemen; and to repeal the original sections, and also Legislative Bill 480, Eighty-third Legislature, First Session, 1973; and to declare an emergency.

MOTION–Suspend Rules

Mr. Duis moved to suspend the Rules to place LB 587 and LB 588 on General File without a public hearing.

The motion prevailed with 31 ayes, 0 nays and 18 not voting.

UNANIMOUS CONSENT–Member Excused

Mr. Chambers asked unanimous consent to be excused this afternoon. No objections. So ordered.

UNANIMOUS CONSENT–Change of Order

Mr. Barnett asked unanimous consent to take up LB 585 on General File at this time. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 585. Title read. Considered.

Mr. F. Lewis offered the following amendment which was adopted:
Amend Sec. 2 line 10 strike "10" and insert "15"
Sec. 3 line 19 strike "2,500" and insert "4,000"

Mr. Johnson asked unanimous consent to add his name to LB 585. No objections. So ordered.

Advanced to E & R for Review with 36 ayes, 0 nays and 13 not voting.

Mr. Barnett asked unanimous consent to expedite LB 585. No objections. So ordered.

Mr. Barnett asked unanimous consent that Messrs. Barnett, Johnson and Duis be allowed to deliver this appropriation. No objections. So ordered.

MR. WHITNEY PRESIDING

UNANIMOUS CONSENT–Change of Order

Mr. Duis asked unanimous consent to take up LB 588 on General File at this time. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 588. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays and 19 not voting.

UNANIMOUS CONSENT—Change of Order

Mr. Schmit asked unanimous consent to take up LB 538 on General File at this time. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 538. Title read. Considered.

Standing Committee amendments found in the Journal on page 1033 for the Sixtieth Day were adopted.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

MESSAGE FROM THE GOVERNOR

May 8, 1973

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bill No. 547.

This bill was signed by me on May 8, 1973 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

UNANIMOUS CONSENT—Change of Order

Mr. Maresh asked unanimous consent to take up LB 542 on General File at this time. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 542. Title read. Considered.

Standing Committee amendment found in the Journal on page 1384 for the Seventy-first Day was adopted.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 549. Title read. Considered.

Standing Committee amendment found in the Journal on page 1553 for the Seventy-eighth Day was adopted.

Laid over temporarily at the request of Mr. DeCamp.

LEGISLATIVE BILL 550. Title read. Considered.

Standing Committee amendments found in the Journal on page 1551 for the Seventy-eighth Day were adopted.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 552. Title read. Considered.

Standing Committee amendments found in the Journal on page 1552 for the Seventy-eighth Day were adopted.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 553. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 554. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 555. Title read. Considered.

Standing Committee amendment found in the Journal on page 1555 for the Seventy-eighth Day was adopted.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 556. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 557. Title read. Considered.

Standing Committee amendments found in the Journal on page 1553 for the Seventy-eighth Day were adopted.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 558. Title read. Considered.

Standing Committee amendment found in the Journal on page 1553 for the Seventy-eighth Day was adopted.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 559. Title read. Considered.

Standing Committee amendment found in the Journal on page 1553 for the Seventy-eighth Day was adopted.

Laid over temporarily at the request of Mr. Chambers.

LEGISLATIVE BILL 560. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 561. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 562. Title read. Considered.

Standing Committee amendments found in the Journal on page 1559 for the Seventy-eighth Day were adopted.

Mr. Barnett offered the following amendment which was adopted:

1. On page 18, line 2, strike "sixty" and insert "one hundred fifty"; and on page 18, strike the new matter and reinstate the stricken matter in lines 5, 9 and 10.
2. On page 19, line 12 strike "sixty" and insert one hundred fifty; on line 15 strike the new matter and insert "nine"; on line 19 strike the new matter and insert "eight".

Advanced to E & R for Review with 26 ayes, 2 nays and 21 not voting.

UNANIMOUS CONSENT—Expedite LB 542

Mr. Maresh asked unanimous consent to expedite LB 542. No objections. So ordered.

VISITORS

Mr. Whitney introduced 12 grade school students, 1 adult and teacher Jean Hansen from No. 158, Hallam.

Mr. Whitney introduced 25 8th grade students, 1 adult and teacher Mrs. Laraine Kingston from Scribner School, Scribner.

Speaker Proud introduced 53 4th grade students and teachers Marlen Goa, Alberta Stumpff and Principal Jim Mayse from Newell School, Grand Island.

Speaker Proud introduced 50 Seniors from York High School, York and teacher Mr. Chas. Brown.

Speaker Proud introduced 36 4th grade students, 15 mothers and teachers Mrs. Jo Ann Japp and Mrs. Barbara Sather from Bennington School, Bennington.

Speaker Proud introduced 41 senior citizens from Lady of Lords group, Omaha. Mr. Duke Snyder's grandmother accompanied the group.

Speaker Proud introduced 30 8th grade students from Cathedral of the Risen Christ School, Lincoln and teacher Mrs. Gloria Brown.

Speaker Proud introduced 58 8th grade students, 7 adults and teacher Mr. James P. Nemetz from Hastings St. Cecelia School, Hastings.

Speaker Proud introduced Mr. Rikard Kaarbo from Harstad, Norway and daughter Ms. Tori Kaarbo living in New York City accompanied by Mr. and Mrs. Jack Cochran of Fremont, Nebraska.

Speaker Proud introduced 27 7th grade students from Trinity Lutheran School, Fremont and teachers Messrs. Harold Bergt and Luther Kell.

Speaker Proud introduced 21 National Honor Society students from Nishna Valley School, Hastings, Iowa and Myrna Johnson, Counselor and Jan Montag, Librarian.

Speaker Proud introduced Mr. and Mrs. Howard Kelly, brother and sister-in-law of Senator Kelly.

Mr. Whitney introduced 24 American History Class students from Mead and instructor Mr. Kistler under the direction of Mr. Charles Herlister.

Mr. Whitney introduced 77 6th grade students from Paddock Lane School, Beatrice and teachers Mrs. Jackson, Mrs. Schwandt and Mr. Trauernicht.

Mr. Whitney introduced 18 Kindergarten through 4th grade students from District 23 Nance County, Fullerton and teacher Mrs. Badura.

Mr. Whitney introduced 36 8th grade students from Newman Grove School, Newman Grove, teacher Jo Ann Cleaver and sponsors Dona Severson, Bonnie Hotschall and Dee Christensen.

RECESS

At 11:58 a.m., on a motion by Mr. Kremer, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:01 p.m., Speaker Proud presiding.

The roll was called and all members were present except Messrs. F. Carstens, Chambers, Kime and Marsh who were excused; Mr. Sthamer who was excused until he arrives.

PRESIDENT MARSH PRESIDING

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 299, 311, 445A and 484.

(Signed) John J. Cavanaugh, Chairman

UNANIMOUS CONSENT–Print in Journal

Mr. Maresh asked unanimous consent to print the following amendment to LB 286 in the Journal. No objections. So ordered.

1. In section 14, after line 7, insert
"No applicant for admission to any course of medical or paramedical training of any kind shall, in connection with his application, be asked any question concerning his willingness or refusal to perform, participate in, or assist in any act of abortion, nor shall any such applicant be denied admission because of his refusal to perform, participate in, or assist in any such act.".

ATTORNEY GENERAL'S OPINION

Opinion No. 49.
May 9, 1973

Senator Roland A. Luedtke
Nebraska State Legislature
State Capitol
Lincoln, Nebraska

Re: L. B. 574

Dear Senator Luedtke:

This is in reply to your request concerning our opinion as to the constitutionality of that portion of Section 3 of L. B. 574 which provides in part that no person convicted of murdering certain designated officers and sentenced to a term of life imprisonment "shall be eligible for parole and release from confinement until he shall have served not less than fifty years in the Nebraska Penal and Correctional Complex."

As you know, Section 13, Article IV of the Nebraska Constitution provides in part:

> "The Legislature shall provide by law for the establishment of a Board of Parole and the qualification of its members. Said board, or a majority thereof, shall have power to grant paroles after conviction and judgment, under such conditions as may be prescribed by law, for any offenses committed against the criminal laws of this state except treason and cases of impeachment. * * *."

You will note that said constitutional provision specifically provides that the Legislature may prescribe by law the conditions under which the Board of Parole shall have power to grant paroles. The provision in L. B. 574 would constitute such a condition and, in our opinion, would be within the above constitutional provision. It is a matter of when a person convicted for the type of crime described becomes eligible and is no different so far as the constitution is concerned, than the present statutes under which the parole board is operating which require a certain portion of a sentence to pass before the offender is eligible for a parole.

We should also call to your attention that the same section of the constitution establishes a Board of Pardons with power to grant respites, reprieves, pardons, or commutations in all cases of conviction for offenses against the laws of the state, except treason and cases of impeachment. This constitutional grant of power to the Board of Pardons is unlimited and has no references to conditions set up by the Legislature as does the provision relating to the Board of Parole. Therefore, even though the section of L. B. 574 to which you refer is passed, it would still be possible for the Board of Pardons to release the individual sooner by a pardon or some form of repreive or commutation, which power, as mentioned earlier, may not be limited by the Legislature.

Although not a constitutional matter, we call your attention to the obvious fact that a provision such as is contained in Section 3 of L. B. 574 is no guarantee that a person so convicted would serve said fifty years in confinement, as you are no doubt well aware, since any future Legislature could change this provision.

If we can be of further assistance to you in this matter, please contact us.

Very truly yours,

CLARENCE A. H. MEYER
Attorney General

(Signed) Mel Kammerlohr
Assistant Attorney General

MK:jc

cc: Vincent Brown
Clerk of the Legislature

STANDING COMMITTEE REPORTS

Appropriations

LEGISLATIVE BILL 256. Placed on General File as amended.
(Standing Committee amendments printed and available separate from the Journal.)

LEGISLATIVE BILL 581. Placed on General File as amended.
Standing Committee amendments to LB 581:

1. On page 9, line 17 and 18, reinsert the original matter and strike the new.

On page 10, line 3, strike "1,581,776" and insert "1,471,776" and strike "4,482,369" and insert "4,372,369".

2. Strike section 19 and renumber original section 20 as section 19.

3. Strike section 21 and renumber original sections 22 to 27 as sections 20 to 25 respectively.

4. On page 49, line 22, strike "ninety-three" and insert "seventy".

5. On page 50, line 13, strike "3," ; and strike beginning with "section" in line 16 through the first comma in line 18.

LEGISLATIVE BILL 582. Placed on General File as amended.
Standing Committee amendments to LB 582:

1. Strike sections 2, 3, and 7 and renumber original sections 4 to 6 as 2 to 4, respectively.
2. Add a new section to read:

"Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

LEGISLATIVE BILL 583. Placed on General File as amended.
Standing Committee amendments to LB 583:

1. Strike section 13 and renumber original section 14 as 13.
2. On page 11, lines 2 and 3, strike "71-4305, and 71-4609" and insert "and 71-4305".

(Signed) Richard Marvel, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on May 9, 1973 at 1:30 p.m. were the following: LB 180, LB 266 and LB 548.

(Signed) Barbara Jackson, Enrolling Clerk

GENERAL FILE

LEGISLATIVE BILL 365. Title read. Considered.

Mr. Waldron offered the following amendment to the Standing Committee amendments, which was adopted:

Sec. 1. of amendment, read 1974 rather than 1975.

Standing Committee amendments found in the Journal on page 585 for the Thirty-seventh Day were adopted, as amended.

Mr. Waldron offered the following amendments which were adopted:

1. Page 4, line 15, strike the word "~~five~~" and insert therein the word "ten".
2. Page 6, line 1, strike the word "~~five~~" and insert the word in lieu thereof "ten".
3. Page 7, line 2, strike the word "~~five~~" and insert the word in lieu thereof "ten".

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 549. Considered.

Mr. DeCamp offered the following amendments which were adopted:

1. On page 2, after line 24 insert a new section as follows:

"Sec. 2. No person to be elected to public office at any election or primary, except for state officers, shall be required to meet a residence requirement of longer than six months in order to be eligible to be a candidate for such office. The Legislature finds and declares that the election of public officials and the qualifications related thereto, are a matter of general statewide concern, notwithstanding the provisions of any home rule charter.".

2. Renumber original section 2 as section 3.

Laid over at the request of Mr. DeCamp.

LEGISLATIVE BILL 559. Considered.

Mr. Waldron offered the following amendments which were adopted:

1. On page 2 add a new section 1 as follows:

"Section 1. That section 70-624.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

70-624.04. Officers and employees of public power districts and, public power and irrigation districts, and public utility companies shall be permitted to serve as officers or employees of cities of the first class, cities of the second class, villages, and school districts with which the public power district or public utility company has one or more contracts. No contracts of any such public power district or, public power and irrigation district , or public utility company shall be void or voidable by reason of such service by its officers or employees."

2. Renumber original section 1 as section 2.

3. On page 3 line 22 strike "section" and insert "sections 70-624.04 and"; in line 23 strike "is" and insert "are".

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

UNANIMOUS CONSENT—Member Excused

Mr. F. Lewis asked unanimous consent to be excused the remainder of the day. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 111. Title read. Considered.

Standing Committee amendments referred to in the Journal on page 1073 for the Sixty-first Day were considered.

Mr. Whitney offered the following amendment to the Standing Committee amendments, which was adopted:

Amend Sec. 5 line 7 page 10: those counties under 5500 population have license fee for $250.00.

Mr. Carpenter offered the following amendment to the Standing Committee amendments which was adopted:

Page 23, Sec. 13, Sub. (8) in lines 5 – 8 reinsert old matter and strike new matter.

Mr. DeCamp offered the following amendment to the Standing Committee amendments:

Amend the Standing Committee amendments by striking Sec. 15.

The amendment was adopted with 15 ayes, 13 nays and 21 not voting.

Mr. Kelly offered the following amendments to the Standing Committee amendments which were adopted:

Sec. 14 (5) page 21 lines 2 through 6, reinsert the stricken matter.

Sec. 14 Sub. (7) page 22, reinstate stricken matter in lines 21 – 22.

Standing Committee amendments were adopted, as amended.

Advanced to E & R for Review with 32 ayes, 0 nays and 17 not voting.

LEGISLATIVE BILL 366. Title read. Considered.

Standing Committee amendments found in the Journal on page 1073 for the Sixty-first Day were adopted.

Advanced to E & R for Review with 28 ayes, 1 nay and 20 not voting.

LEGISLATIVE BILL 149. Title read. Considered.

Standing Committee amendment found in the Journal on page 1153 for the Sixty-fourth Day was adopted.

Mr. Savage moved to bracket LB 149.

Mr. Keyes moved the previous question. The question is, "Shall the debate now cease?" The motion prevailed with 27 ayes, 3 nays and 19 not voting.

The Savage motion lost with 4 ayes, 28 nays and 17 not voting.

Advanced to E & R for Review with 32 ayes, 0 nays and 17 not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 315. Replaced on Select File as amended.
E & R amendment to LB 315:

1. In the title, line 5, insert "; to provide an exception" immediately after "license".

LEGISLATIVE BILL 341. Replaced on Select File as amended.
E & R amendments to LB 341:

1. On page 2, line 11, strike the new and stricken matter and insert "landing".
2. On page 5, line 13, strike the period and insert "~~.~~; and".
3. Strike E & R amendment 5.

LEGISLATIVE BILL 423. Replaced on Select File as amended.
E & R amendments to LB 423:

1. In lieu of the amendment adopted 5/9/73, on page 8, line 5, insert ", except that for those employees of an area board who are members of the retirement system provided for in Chapter 79, article 10, the investment program shall be administered as provided in section 79-1051" after "officer".
2. In the title, as amended, line 14, insert "area" after "any".

(Signed) John J. Cavanaugh, Chairman

VISITORS

President Marsh introduced 10 6th grade students from Merle Beattie School, Lincoln and Dr. Thorpe, Principal.

President Marsh introduced 54 7th grade students from St. Joan of Arc School, Omaha and teachers Miss Grandgenett and Miss Rochford.

ADJOURNMENT

At 4:02 p.m., on a motion by Mr. Waldron, the Legislature adjourned until 9:00 a.m., Thursday, May 10, 1973.

Vincent D. Brown
Clerk of the Legislature

EIGHTIETH DAY—MAY 10, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

EIGHTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 10, 1973

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Marsh presiding.

PRAYER

The prayer was offered by the Chaplain.

> In this prayer, O God, we come to Thee as children to a loving Father. We pray that thou wilt help our senators to face the problems that confront them, not alone by giving them wisdom greater than their own, but also by relieving their minds of all other anxieties.
>
> May they now turn over to Thee loved ones who need the healing touch of the Great Physician, with every confidence that Thou wilt hear our prayer of intercession, and as we do the work that is before us, that Thou wilt do Thy work of healing in those whom we love. May Thy help be so plain and practical in our family affairs that we shall come to believe strongly in the help that Thou dost offer in our state affairs. Deliver thy servants from personal worries, that they may be able to give themselves wholly to the challenge of this hour. In Jesus' name. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Kime who was excused; Mr. Chambers who was absent until 10:15 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventy-ninth Day was approved.

UNANIMOUS CONSENT—Member Excused

Mr. Skarda asked unanimous consent to be excused tomorrow. No objections. So ordered.

UNANIMOUS CONSENT—Bracket LB 563 and LB 563A

Mr. Luedtke asked unanimous consent to bracket LB 563 and LB 563A on General File for May 16. No objections. So ordered.

MOTION—Suspend Rules

Mr. Carpenter moved to suspend the Rules to read the Final Reading bills today that are set for May 11. The motion prevailed with 31 ayes, 1 nay and 17 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 312. Mr. DeCamp asked unanimous consent to bracket LB 312 until January 10, 1974. Mr. Carpenter objected.

Mr. DeCamp moved to bracket the bill until January 10, 1974. The motion lost with 20 ayes, 21 nays and 8 not voting.

A BILL FOR AN ACT to amend section 8-157, Reissue Revised Statutes of Nebraska, 1943, relating to banks; to permit not more than two detached auxiliary teller offices as prescribed; and to repeal the original section.

Whereupon the President stated "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Mr. Carpenter requested a roll call vote.

Voting in the affirmative, 25:

Anderson	Barnett	Carpenter	F. Carstens	DeCamp
Epke	Fowler	Hasebroock	Johnson	Kelly
Keyes	Kremer	Luedtke	Mahoney	Marsh
Marvel	Savage	Schmit	Simpson	Skarda
Snyder	Stromer	Stull	Waldron	Whitney

Voting in the negative, 20:

Burbach	C. Carsten	Clark	Dickinson	Duis
Fellman	Goodrich	Kennedy	R. Lewis	Maresh
Moylan	Murphy	Nore	Proud	Rasmussen
Richendifer	Stahmer	Syas	Warner	Wiltse

Not voting, 4:

Cavanaugh
Chambers
Kime
F. Lewis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 454.

A BILL FOR AN ACT to amend sections 60-305.09 and 60-320.01, Revised Statutes Supplement, 1972, section 60-305.03, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 489, Eighty-third Legislature, First Session, 1973, and section 60-301, Revised Statutes Supplement, 1972, as amended by section 1, Legislative Bill 415, Eighty-third Legislature, First Session, 1973, relating to motor vehicles; to define and redefine terms; to provide for revised or new reciprocal agreements; to provide for temporary permits; to provide for the temporary operation of certain vehicles without registration; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
Cavanaugh
Clark
DeCamp
Dickinson
Duis
Epke
Fellman
Fowler
Goodrich
Hasebroock
Kennedy
Keyes
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 6:

F. Carstens
Chambers
Johnson
Kelly
Kime
Nore

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 544.

A BILL FOR AN ACT relating to the State Department of Education; to create a cash fund; to prescribe its name and purpose; and to provide for deposit and disbursements.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Clark
DeCamp
Dickinson
Duis
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kennedy
Keyes
Kremer
R. Lewis
Luedtke
Maresh
Marsh
Marvel
Moylan
Murphy
Nore
Proud
Rasmussen
Richendifer
Savage
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 7:

Chambers
Epke
Kelly
Kime
F. Lewis
Mahoney
Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 545. Mr. Cavanaugh asked unanimous consent to hold the bill over until tomorrow. No objections. So ordered.

LEGISLATIVE BILL 573. With Emergency

A BILL FOR AN ACT relating to retirement; to provide for participation in state retirement plans of certain county employees whose status has been changed by the Legislature to state employees or judges; to provide an operative date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Clark
DeCamp
Dickinson
Duis
Epke
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kennedy
Keyes
Kremer
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Nore
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 4:

Chambers
Kelly
Kime
F. Lewis

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 580.

A BILL FOR AN ACT to amend section 13, Legislative Bill 68, Eighty-third Legislature, First Session, 1973, relating to the Nebraska Real Estate License Act; to change an internal reference; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Anderson
Barnett
Burbach
Carpenter
F. Carstens
Cavanaugh
DeCamp
Duis
Epke
Fellman
Goodrich
Hasebroock
Johnson
Kennedy
Keyes
Kremer
Luedtke
Mahoney
Marsh
Marvel
Murphy
Nore
Proud
Savage
Schmit
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 6:

C. Carsten
Clark
R. Lewis
Maresh
Rasmussen
Syas

Not voting, 8:

Chambers Dickinson Fowler Kelly Kime
F. Lewis Moylan Richendifer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION—Override Veto on LB 452

Mr. Marvel moved to override the Governor's veto on LB 452.

The question is, "Shall the bill be passed notwithstanding the objections of the Governor?".

Mr. Kremer moved the previous question. The question is "Shall the debate now cease?" The motion prevailed with 34 ayes, 0 nays and 15 not voting.

Mr. Chambers requested a roll call vote on the Marvel motion.

Mr. Barnett asked unanimous consent to start the roll call at the end of the alphabet.

Mr. Stull objected.

Mr. Barnett moved to start the roll call at the end of the alphabet.

The motion prevailed with 25 ayes, 17 nays and 7 not voting.

Voting in the affirmative, 25:

Barnett Burbach Carpenter C. Carsten Chambers
Clark Duis Epke Johnson Kremer
R. Lewis Luedtke Marsh Marvel Murphy
Nore Rasmussen Savage Schmit Simpson
Stahmer Stromer Warner Whitney Wiltse

Voting in the negative, 22:

Anderson F. Carstens Cavanaugh DeCamp Dickinson
Fellman Fowler Goodrich Hasebroock Kennedy
Keyes F. Lewis Mahoney Maresh Moylan
Proud Richendifer Skarda Snyder Stull
Syas Waldron

Not voting, 2:

Kelly Kime

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 358. Replaced on Select File as amended.
E & R amendments to LB 358:

1. On page 2, line 15, insert "(5)" after "subdivision" and strike "of subsection (5)" and show as stricken.
2. In the Fellman amendments, page 3, line 22, insert "or governing authority of a nonpublic school" after "education".
3. Insert a new section to read:
"Sec. 5. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration of invalidity shall not affect the validity of the remaining portions thereof.".
4. Renumber original section 3 as section 6.

LEGISLATIVE BILL 531. Replaced on Select File as amended.
E & R amendment to LB 531:

1. On page 5, line 15, strike "(6)" and insert "(5)".

Correctly Enrolled

The following bills were correctly enrolled: 312, 454, 544, 573, and 580.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in Session and capable of transacting business, the President signed the following bills: 312, 454, 544, 573, and 580.

RESOLUTIONS

LEGISLATIVE RESOLUTION 66.

Introduced by DeCamp, 40th District; Rasmussen, 41st District; Skarda, 7th District; Carpenter, 48th District; Keyes, 3rd District; F. Lewis, 45th District; Mahoney, 5th District; Epke, 24th District; Maresh, 32nd District; Hasebroock, 18th District; Kremer, 34th District; Stull, 49th District; Schmit, 23rd District; Kelly, 35th District; Kennedy, 21st District;

Simpson, 46th District; Murphy, 17th District; R. Lewis, 38th District; Goodrich, 20th District; Dickinson, 31st District; Anderson, 37th District; Snyder, 14th District; Stromer, 36th District; Clark, 47th District; Richendifer, 16th District; Fellman, 4th District; Barnett, 26th District; Marvel, 33rd District; Proud, 12th District; Waldron, 42nd District; Stahmer, 8th District; Wiltse, 1st District; Warner, 25th District; Chambers, 11th District; Johnson, 15th District; Moylan, 6th District; Savage, 10th District; C. Carsten, 2nd District; Marsh, 29th District; F. Carstens, 30th District. Nore, 22nd District; Burbach, 19th District; Duis, 39th District; Syas, 13th District; Luedtke, 28th District; Cavanaugh, 9th District.

WHEREAS, the Legislature in 1971 adopted Resolution No. 29 and adopted Resolution No. 51 recommending construction and development of Nebraska's O'Neill Unit and North Loup Division of the Pick-Sloan Missouri Basin Program; and

WHEREAS, there is and will continue to be strong need to maintain, strenghten and enhance Nebraska's largest industry, Agriculture; and

WHEREAS, local support for the North Loup and O'Neill projects has always been and remains strong; and

WHEREAS, there is definite need in these project areas for surface irrigation water to maintain the declining ground waters; and

WHEREAS, Nebraska's people need the fish and wildlife and recreational opportunities that can be provided by the O'Neill and North Loup developments; and

WHEREAS, both of these projects are a part of the Framework Study of the Nebraska State Water Plan as adopted by the 1972 Legislature; and

WHEREAS, both of these developments were authorized for construction and development by the 92nd Congress of the United States of America;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the First Session of the Eighty-Third Legislature of Nebraska strongly supports the construction and development of the North Loup Division and the O'Neill Unit.

2. That the Legislature memorializes the 93rd Congress and the respective Appropriation Committees to provide funds for the Bureau of Reclamation in fiscal year 1974 to do advance and/or preconstruction planning.

3. That copies of this resolution, suitably engrossed, be transmitted by the Clerk of the Legislature to the United States Senate and House of Representatives of the 93rd Congress, to Honorable John L. McClellan, Chairman of the Senate Appropriations Committee, and Honorable George H. Mahon, Chairman of the House Appropriations Committee, and to each member from Nebraska in the Senate and House of Representatives of the United States.

LEGISLATIVE RESOLUTION 67.

Introduced by Kelly, 35th District; Kremer, 34th District; Stromer, 36th District; Rasmussen, 41st District; F. Lewis, 45th District; Murphy, 17th District; Kennedy, 21st District; R. Lewis, 38th District; Cavanaugh, 9th District; Dickinson, 31st District; Richendifer, 16th District; Keyes, 3rd District; Schmit, 23rd District; Warner, 25th District; Fellman, 4th District; Chambers, 11th District; DeCamp, 40th District; Proud, 12th District; Maresh, 32nd District; Moylan, 6th District; Wiltse, 1st District; Luedtke, 28th District; Snyder, 14th District; Hasebroock, 18th District; Barnett, 26th District; Simpson, 46th District; C. Carsten, 2nd District; Stull, 49th District; Goodrich, 20th District; Waldron, 42nd District; Johnson, 15th District.

WHEREAS, the Legislature in 1972 adopted Resolution No. 44 recommending construction of the Nebraska Mid-State Division resource development project; and

WHEREAS, there is and will continue to be strong need to maintain, strengthen, and enhance the agricultural industry in Nebraska; and

WHEREAS, local support for this project has always been and remains strong; and

WHEREAS, there is definite need in the project area for surface irrigation water; and

WHEREAS, the fish, wild life, and recreational opportunities that can be provided by the Mid-State development will be beneficial to the people of Nebraska; and

WHEREAS, this project is a part of the Framework Study of the Nebraska State Water Plan as adopted by the 1972 Legislature; and

WHEREAS, this project was authorized for construction and development by the 92nd Congress of the United States of America.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the First Session of the Eighty-third Legislature of Nebraska strongly supports the construction and development of the Mid-State Division development project.

2. That the Legislature memorializes the 93rd Congress and the respective Appropriation Committees to provide funds for the Bureau of Reclamation in fiscal year 1974 to do advance and/or preconstruction planning.

3. That copies of this resolution, suitably engrossed, be transmitted by the Clerk of the Legislature to the United States Senate and House of Representatives of the 93rd Congress, to Honorable John L. McClellan, Chairman of the Senate Appropriations Committee, and Honorable George H. Mahon, Chairman of the House Appropriations Committee, and to each member from Nebraska in the Senate and House of Representatives of the United States.

LEGISLATIVE RESOLUTION 68.

Introduced by Warner, 25th District; Anderson, 37th District; Barnett, 26th District; C. Carsten, 2nd District; Cavanaugh, 9th District; Chambers, 11th District; Clark, 47th District; DeCamp, 40th District; Dickinson, 31st District; Duis, 39th District; Epke, 24th District; Fowler, 27th District; Goodrich, 20th District; Hasebroock, 18th District; Johnson, 15th District; Kelly, 35th District; Kennedy, 21st District; Keyes, 3rd District; Kremer, 34th District; F. Lewis, 45th District; R. Lewis, 38th District; Luedtke, 28th District; Mahoney, 5th District; Maresh, 32nd District; Marvel, 33rd District; Moylan, 6th District; Nore, 22nd District; Proud, 12th District; Rasmussen, 41st District; Richendifer, 16th District; Savage, 10th District; Schmit, 23rd District; Simpson, 46th District; Skarda, 7th District; Snyder, 14th District; Stromer, 36th District; Stull, 49th District; Syas, 13th District; Waldron, 42nd District; Whitney, 44th District; Wiltse, 1st District.

WHEREAS, until this Legislative Session Charles N. Moon had been the "Senior Lobbyist"; and

WHEREAS, Charley departed this life on December 16, 1972, but until the last he was fighting to regain his health so that he could lobby at this Session; and

WHEREAS, countless friends of Charley have missed him at his usual posts, the Chaplain's chair, the lobby telephone and under the balcony; and

WHEREAS, Charley always had time to help new Legislators and new Lobbyists, and was a true and loyal friend.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

That this Legislature hereby memorializes Charles N. Moon, Lobbyist, sportsman, long time State Athletic Director, businessman, political campaigner, and a life long Nebraskan who gave distinguished service to this State that he loved.

MOTION—Rule Change

Mr. DeCamp offered the following rule change:

Add a new section to Rule 2 as follows:

Rule 2, Sec. 12. If any member, in speaking before the Legislature, shall make any statement degrading or personally derogatory to or about another member of the Legislature, the presiding officer shall call such member to order, in which case he shall immediately sit down.

Referred to the Rules Committee.

MOTION–Suspend Rules

Mr. Rasmussen moved to suspend the five-day rule on engrossing LR 66 and LR 67. The motion prevailed with 31 ayes, 0 nays and 18 not voting.

MOTION–Suspend Rules

Mr. Barnett moved to suspend the Rules to add the following names to LB 585:

Duis, 39th District; Wiltse, 1st District; Simpson, 46th District; Snyder, 14th District; Kremer, 34th District; Hasebroock, 18th District; Moylan, 6th District; Richendifer, 16th District; Keyes, 3rd District; Warner, 25th District; Kelly, 35th District; Murphy, 17th District; DeCamp, 40th District; Anderson, 37th District; Dickinson, 31st District; Cavanaugh, 9th District; Goodrich, 20th District; Rasmussen, 41st District; Stromer, 36th District; Savage, 10th District; Fowler, 27th District; Chambers, 11th District; Stull, 49th District; Waldron, 42nd District; Fellman, 4th District; R. Lewis, 38th District; Kennedy, 21st District; Luedtke, 28th District; Nore, 22nd District; Mahoney, 5th District; Marvel, 33rd District; F. Lewis, 45th District.

The motion prevailed with 30 ayes, 0 nays and 19 not voting.

MOTION–"A" Bills

Mr. Carpenter moved to consider all "A" bills on Final Reading.

Mr. Carpenter moved for a Call of the House. The motion prevailed with 36 ayes, 0 nays and 13 not voting.

The Call showed 47 members present.

Mr. Carpenter moved to raise the Call. The motion prevailed with 33 ayes, 1 nay and 15 not voting.

The Carpenter motion lost with 20 ayes, 23 nays and 6 not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 542. Placed on Select File as amended.
E & R amendment to LB 542:

1. Insert the standing committee amendment on page 5, after line 25.

LEGISLATIVE BILL 585. Placed on Select File as amended.
E & R amendment to LB 585:

1. In lieu of the F. Lewis amendment, on page 2, line 10, strike "ten" and insert "fifteen"; in line 14, strike "five" and insert "seven"; in line 19, strike "two" and insert "four"; and in line 20, strike "five hundred".

(Signed) John J. Cavanaugh, Chairman

ANNOUNCEMENT

Mr. Schmit announced that there would be an Executive Session of the Agriculture and Environment Committee at 1:45 p.m. today under the North Balcony.

VISITORS

President Marsh introduced 34 Sixth grade students and 6 adults from Syracuse Elementary School, Syracuse, and teacher Mrs. Schacht.

President Marsh introduced 13 Eighth grade students and 3 adults from Decatur School, Decatur, and teacher Mrs. Anna L. Malloy.

President Marsh introduced 18 Eighth grade students from Hastings Junior High School, Hastings, and teachers Messrs. Augustin and Rusk.

President Marsh introduced 6 Eighth grade students from Oakland-Craig School, Oakland, and Mr. Herb Klemme, Superintendent of Schools.

President Marsh introduced 19 Third grade students from Elliot School and 4 adults, Lincoln, and teacher Ms. Linda Henney.

President Marsh introduced 32 Fifth grade students from Park School, Plattsmouth, and teacher Ms. Mary McKelvey.

President Marsh introduced 22 Kindergarten, First and Second grade students and 9 adults from District No. 14 School, Morse Bluffs, and teacher Ms. Florence Blanchard.

President Marsh introduced 27 Eighth grade students from Trinity Lutheran School, Fremont, and teachers Harold Bergt and David Reed.

President Marsh introduced 27 Grade school students from Immannuel Lutheran School, Polk, and teachers Mr. Stuebgen and Mrs. Kennel.

President Marsh introduced 22 Seventh and Eighth Grade students from Prague School, Prague, and teachers Mrs. Joe Kuncl, Mrs. Dennis Wisely, Mrs. Jim Shoup and the Rev. R. Rah.

President Marsh introduced 19 Fifth and Sixth Grade students from Raymond Elementary School, Raymond, and teacher Mrs. States.

RECESS

At 12:05 p.m., on a motion by Mr. Fellman, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:01 p.m., President Marsh presiding.

The roll was called and all members were present except Messrs. Kelly and Kime who were excused; Mr. DeCamp who was excused until he arrives.

UNANIMOUS CONSENT–Members Excused

Mr. Clark asked unanimous consent to be excused from May 21st until the end of the session. No objections. So ordered.

Mr. Kremer asked unanimous consent to be excused at 3:00 for the remainder of the day and all day tomorrow. No objections. So ordered.

MOTION–Adjournment Plan

Speaker Proud moved the following adjournment plan:

Recess on the following days: Monday, May 14; Tuesday, May 15; Tuesday, May 22; Wednesday, May 23; Friday, May 25 and Monday, May 28.

After Final Reading on May 31 recess until Thursday, June 7, for a possible veto override.

Adjourn sine die June 7.

Note – Monday, May 21, would be the final day for moving a bill off General File.

Mr. Carpenter moved for a Call of the House. The motion prevailed with 20 ayes, 9 nays and 20 not voting.

The Call showed 45 members present.

Mr. Waldron moved the Call be raised. The motion prevailed with 39 ayes, 0 nays and 10 not voting.

Mr. Carpenter requested a roll call vote.

Voting in the affirmative, 21:

Barnett
Carpenter
F. Carstens
Chambers
Dickinson
Duis
Fowler
Goodrich
Keyes
Kremer
F. Lewis
Luedtke
Maresh
Marsh
Murphy
Proud
Schmit
Simpson
Snyder
Stahmer
Warner

Voting in the negative, 23:

Anderson
Burbach
C. Carsten
Cavanaugh
Clark
Epke
Fellman
Hasebroock
Kennedy
Mahoney
Marvel
Moylan
Nore
Rasmussen
Richendifer
Savage
Skarda
Stromer
Stull
Syas
Waldron
Whitney
Wiltse

Not voting, 5:

DeCamp
Johnson
Kelly
Kime
R. Lewis

The Proud motion lost with 21 ayes, 23 nays and 5 not voting.

SELECT FILE

LEGISLATIVE BILL 485. E & R amendment found in the Journal on page 1568 for the Seventy-ninth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 162A. E & R amendments found in the Journal on page 1568 for the Seventy-ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 228A. E & R amendments found in the Journal on page 1569 for the Seventy-ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 315. E & R amendment found in the Journal on page 1589 for the Seventy-ninth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 341. E & R amendments found in the Journal on page 1590 for the Seventy-ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 423. E & R amendments found in the Journal on page 1590 for the Seventy-ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 172. Mr. Carpenter offered the following amendment:

Limit increases to 8% of the present operating budget.

The amendment was adopted with 26 ayes, 4 nays and 19 not voting.

Advanced to E & R for Engrossment.

MOTION–Return LB 315 to Select File

Mr. Goodrich moved to return LB 315 to Select File for the following specific amendment:

Insert in Sec. 1, page 2, after the word
license "provided that any law enforcement officer may own
up to 5 percent of the stock in any organization holding a
liquor license which receives its principal revenue from a
source other than the sale of alcoholic beverages. Such
officer shall not participate in any manner in the management
or administration of the organization"

Mr. Goodrich moved for a Call of the House. The motion prevailed with 19 ayes, 16 nays and 14 not voting.

The Call showed 41 members present.

Mr. Goodrich requested a roll call vote.

Voting in the affirmative, 18:

Anderson	Cavanaugh	Goodrich	Kennedy	Keyes
R. Lewis	Luedtke	Maresh	Moylan	Proud
Richendifer	Snyder	Stahmer	Stromer	Stull
Syas	Whitney	Wiltse		

Voting in the negative, 24:

Burbach	Carpenter	C. Carsten	F. Carstens	Chambers
Clark	DeCamp	Duis	Epke	Fellman

Fowler Hasebroock F. Lewis Mahoney Marsh
Marvel Murphy Nore Rasmussen Savage
Schmit Simpson Skarda Warner

Not voting, 7:

Barnett Dickinson Johnson Kelly Kime
Kremer Waldron

The motion lost with 18 ayes, 24 nays and 7 not voting.

Mr. Skarda moved the Call be raised. The motion prevailed with 38 ayes, 0 nays and 11 not voting.

SELECT FILE

LEGISLATIVE RESOLUTION 23. E & R amendments found in the Journal on page 1517 for the Seventy-seventh Day were adopted.

Mr. R. Lewis asked unanimous consent to withdraw his amendment in the Journal on page 1501 for the Seventy-sixth Day and referred to on page 1572 for the Seventy-ninth Day. No objections. So ordered.

Mr. Whitney moved to suspend the Rules to allow Mr. R. Lewis to amend LR 23 on Select File with a majority vote.

Mr. Whitney moved for a Call of the House. The motion prevailed with 20 ayes, 11 nays and 18 not voting.

The Call showed 40 members present.

Mr. Clark moved that the Call be raised. The motion prevailed with 37 ayes, 0 nays and 12 not voting.

The Whitney motion prevailed with 30 ayes, 10 nays and 9 not voting.

Mr. R. Lewis offered the following amendment to LR 23:

1. That the Congress of the United States take appropriate action to adopt a Constitutional Amendment that will guarantee the explicit protection of all unborn human life by extending the ~~same~~ appropriate constitutional rights, including due process of law, which apply to the unborn in ~~the same~~ an appropriate manner and to the same extent as all other citizens of the United States, and will guarantee that no human life will be denied protection of law or deprived of life on account of age, sickness, stage of development, or condition of dependency or wantedness.

The amendment was adopted with 19 ayes, 15 nays and 15 not voting.

Advanced to E & R for Engrossment with 31 ayes, 3 nays and 15 not voting.

LEGISLATIVE BILL 286. Mr. Maresh moved the adoption of his pending amendment found in the Journal on page 1572 for the Seventy-ninth Day.

Mr. Maresh moved for a Call of the House. The motion lost with 17 ayes, 17 nays and 15 not voting.

The Maresh amendment lost with 17 ayes, 14 nays and 18 not voting.

Mr. Fowler offered the following amendment:
Strike section 9 of the Standing Committee amendments.

Mr. Carpenter moved the previous question. The question is, "Shall the debate now cease?" The motion prevailed with 26 ayes, 7 nays and 16 not voting.

The Fowler amendment lost with 14 ayes, 22 nays and 13 not voting.

Mrs. Marsh offered the following amendment:
Strike the amendment to Sec. 5 in the Anderson amendment.

Mr. Carpenter moved the previous question. The question is, "Shall the debate now cease?" The motion prevailed with 26 ayes, 1 nay and 22 not voting.

The Marsh amendment lost with 13 ayes, 21 nays and 15 not voting.

Advanced to E & R for Engrossment with 25 ayes, 6 nays and 18 not voting.

MOTION—Return LB 545 to Select File

Mr. Cavanaugh moved to return LB 545 to Select File for the following specific amendments:
Strike line 6 after "personell".
Line 7, strike everything up to and including "agencies".
Line 12, strike everything after "personell"
Line 13, strike "agencies".
Line 18 add:

To ensure uniformity of position classification and pay throughout all agencies of state government during the period prior to the merger of the State Personnel System and the Nebraska Joint Merit System the Director of Personnel shall review all classification and pay actions taken by the Joint Merit System Council for conformance with the State Plan and his recommendations shall become a permanent part of the record to be forwarded to the appropriate Federal agency for its review action.

The motion prevailed with 27 ayes, 1 nay and 21 not voting.

SELECT FILE

LEGISLATIVE BILL 545. The Cavanaugh specific amendments found in this Day's Journal were adopted with 26 ayes, 1 nay and 22 not voting.

Advanced to E & R for Re-engrossment.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 588. Placed on Select File as amended.
E & R amendment to LB 588:

1. In the title, line 8, strike "and".

LEGISLATIVE BILL 538. Placed on Select File as amended.
E & R amendments to LB 538:

1. On page 6, line 13, strike "The term point" and insert "Point"; in line 14, strike the second comma; in line 20, strike "The term effluent" and insert "Effluent"; and in line 26, strike "The term schedule" and insert "Schedule".
2. On page 10, line 4, strike "conform"; and in line 5, insert "conform with" after "respects".
3. On page 11, lines 13 and 15, strike the comma; and in line 14, strike the semicolon and insert ", and".
4. On page 12, line 13, strike "upon which" and insert "that".
5. In standing committee amendment 2, line 1, insert "show the same as stricken and" after "and"; in line 3, insert and underscored comma after "director"; in line 4, insert "any" after the comma; and in the last line strike "this act" and insert "Chapter 81, article 15".

LEGISLATIVE BILL 550. Placed on Select File as amended.
E & R amendments to LB 550:

1. On page 3, line 10, strike "in" and

insert "during"; and in line 15 strike "In the event" and insert "If".

2. On page 4, line 10, insert "called for" after "elections"; in line 13, strike the comma and show as stricken; and in line 19 strike the first comma and show as stricken.

3. In standing committee amendment 3, insert an underscored comma after the first "or" in line 3 and "question" in line 5; in line 6 strike "strike the period and" and insert "before the period" and strike the stricken period and insert an underscored comma; insert an underscored comma after "officials" in line 7; in line 8 strike "herein" and after "provided" insert "in this section"; in line 13 insert "days" after "ten"; in line 17 strike the period; and in the last line strike "20" and insert "19".

4. In standing committee amendment 5, line 2, insert an underscored comma after the first "county"; and in line 4 strike "their" and insert "its".

5. In the title, strike lines 4 to 6 and insert "school district bond elections; to provide for submission at a special election or any statewide primary or general election; to provide procedures; and to".

LEGISLATIVE BILL 552. Placed on Select File.
E & R amendments to LB 552:

1. In standing committee amendment 1, strike ", 17, and 20" and insert "and 17"; and on page 2, line 20 strike "two-year" and insert "four-year".

2. On page 2, line 3, strike the comma; in line 10 strike "made between the dates of" and insert "given between"; in line 12, strike "by party" and insert ", naming his political party,"; in line 17 strike "In the event" and insert "If"; in line 21 strike "providing the person" and insert "if he"; and in line 22 strike "where" and insert "when".

3. On page 6, line 17, strike "went" and insert "has gone".

4. On page 7, line 24, insert and underscored comma after "appointment".

5. On page 8, lines 2 and 4, insert an underscored comma after "appointment".

6. In the title, line 5, insert "to provide for township elections as prescribed;" after the semicolon.

LEGISLATIVE BILL 553. Placed on Select File as amended.
E & R amendment to LB 553:
1. In the title, line 3, insert "fees of" after "relating".

(Signed) John J. Cavanaugh, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on May 10, 1973 at 2:10 p.m. were the following: LB 312, LB 454, LB 544, LB 573 and LB 580.

(Signed) Barbara Jackson, Enrolling Clerk

ANNOUNCEMENT

Mr. Whitney announced that the Committee on Committees would hold an Executive Session in Room 2102 as soon as the Legislature adjourns.

UNANIMOUS CONSENT—General File Bills

Mr. Warner asked unanimous consent that the bills set for May 10, 1973 be taken up on May 11, 1973 as the first order of business on General File. No objections. So ordered.

UNANIMOUS CONSENT—Bracket Bills

Mr. Barnett asked unanimous consent to bracket LB 499 with LB 396 on General File. No objections. So ordered.

Mr. Duis asked unanimous consent to bracket LB 134 on General File for May 17. No objections. So ordered.

VISITORS

President Marsh introduced 80 Sixth Grade students and teacher Dean Baker from Marysville Elementary School, Marysville.

President Marsh introduced 65 Fifth through Eighth Grade students and teachers, Myron Synover and Mrs. Lana Walker from School District 10, Columbus.

President Marsh introduced 17 Fourth Grade students and teacher, Mrs. Yoder from Beaver Crossing School, Beaver Crossing.

President Marsh introduced 40 Fourth Grade students and their teachers, Mrs. Luhn and Mrs. Dalton, from Wood River Elementary School, Wood River.

President Marsh introduced 22 Eighth Grade students, teacher, Sister M. Bernardine, from St. Wenceslans School, Dodge.

ADJOURNMENT

At 4:19 p.m., on a motion by Mr. Syas, the Legislature adjourned until 9:00 a.m., Friday, May 11, 1973.

Vincent D. Brown
Clerk of the Legislature

EIGHTY-FIRST DAY—MAY 11, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE FIRST SESSION

EIGHTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Friday, May 11, 1973

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Marsh presiding.

PRAYER

The prayer was offered by the Chaplain.

> Just now we come to the final session in yet another week, O Lord our God, as the process of legislation continues to run its course, hour after hour, day by day, week in—weekout; and while we may feel somewhat fatigued and frustrated by now, yet are we still challenged by the privilege of being part of things that are happening for good in our times.
>
> Bless us in our work here this day; in our travels upon the conclusion of today's work; in our homes this weekend. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Kelly, Kime, Kremer and Skarda who were excused; Mr. Cavanaugh who was excused until he arrives; Mr. Goodrich who was excused until 10:00; Mr. Chambers who was absent until 10:00; Mr. Snyder who was absent.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eightieth Day was approved.

UNANIMOUS CONSENT—Members Excused

Messrs. Epke, Duis and Clark asked unanimous consent to be excused at noon today. No objections. So ordered.

Mr. Savage asked unanimous consent to be excused at 2:30 p.m. today. No objections. So ordered.

MOTION–Final Adjournment

Mr. Burbach moved the following schedule for the remainder of the session:

Fri. May 11	81st day
Mon. May 14	82nd day
Tues. May 15	83rd day (last day for General File)
Wed. May 16	84th day
Thurs. May 17	85th day
Fri. May 18	86th day (Select File)
Mon. May 21	Recess
Tues. May 22	Recess
Wed. May 23	87th day (Bills to Final Reading)
Thurs. May 24	88th day (layover day)
Fri. May 25	89th day (Final Reading)
Mon. May 28	Memorial Day
Tues. May 29	Recess
Wed. May 30	Recess
Fri. June 1	90th day (Veto override)

The motion prevailed with 28 ayes, 9 nays and 12 not voting.

MOTION–Decline Invitation

Mr. Burbach moved to decline the invitation of the Omaha Chamber of Commerce for Tuesday, May 15. The motion lost with 7 ayes, 25 nays and 17 not voting.

SELECT FILE

LEGISLATIVE BILL 542. E & R amendment found in the Journal on page 1601 for the Eightieth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 358. E & R amendments found in the Journal on page 1597 for the Eightieth Day were adopted.

Mr. Warner asked unanimous consent to bracket LB 358 until May 14. No objections. So ordered.

LEGISLATIVE BILL 531. E & R amendment found in the Journal on page 1597 for the Eightieth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 585. E & R amendment found in the Journal on page 1602 for the Eightieth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 588. E & R amendment found in the Journal on page 1608 for the Eightieth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 538. E & R amendments found in the Journal on page 1608 for the Eightieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 550. E & R amendments found in the Journal on page 1608 for the Eightieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 552. E & R amendments found in the Journal on page 1609 for the Eightieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 553. E & R amendment found in the Journal on page 1610 for the Eightieth Day was adopted.

Advanced to E & R for Engrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 69.

Introduced by Kelly, 35th District.

WHEREAS, Nebraska is an integral part of the geographic agricultural area of the United States; and

WHEREAS, adequate food and nutrition for all people, particularly children, is of primary concern to all citizens of the state; and

WHEREAS, lack of adequate nutrition may have a detrimental effect on the development of mental ability and capacity in a child; and

WHEREAS, the state provides for those people who, because of a lack of mental ability, are not able to care for themselves; and

WHEREAS, adequate nutrition provided to children may reduce the number affected by some type of mental disorder.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That an interim study be conducted to determine all needs for food assistance throughtout the state paying particular attention to those areas in which children are not properly nourished.
2. That the feasibility of increasing food assistance for those areas in which it is needed be determined.
3. That the results of the study be reported to the next legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 70.

Introduced by Kelly, 35th District.

WHEREAS, recent national developments with respect to campaign abuses and election law violations have created apprehension and concern about the political system; and

WHEREAS, many problems in political campaigns are related in some manner to the handling of money and financing; and

WHEREAS, the establishment of a uniform system of control of campaign finances for each candidate for election to a state office would be beneficial in reducing problems and abuses.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That an interim study be conducted to determine the feasibility of a uniform system of financial control for money used in political campaigns for state offices.
2. That the results of the study be reported to the next session of the legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 71.

Introduced by Kelly, 35th District.

WHEREAS, several attempts have been made to increase the salaries of the members of the legislature; and

WHEREAS, some amount of salary increase is necessary to attract and retain qualified and competent individuals; and

WHEREAS, increased dialogue with the citizens of the state, setting forth specific ideas with respect to a salary increase is necessary.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That an interim study be conducted to provide specific ideas and concepts necessary to provide a better understanding of the legislative salary situation for the citizens of the state.

2. That the results of the study be reported to the next session of the legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 72.

Introduced by Fellman, 4th District.

WHEREAS, the present corrupt practices act was adopted in 1899.

WHEREAS, this act has been amended only sporadically and in a world of the rapidly expanding importance of the media is now out of date.

WHEREAS, national attention is now focused upon election reform.

WHEREAS, inadequate data is now available on election statutes and campaign practices in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

That an interim committee be appointed to study all aspects of the election statutes and campaign spending practices in this state and to make recommendations to the Legislature for appropriate legislative action during the next regular session of the Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT—Bracket LB 423

Mr. Carpenter asked unanimous consent to bracket LB 423 on E & R Final. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 472. Title read. Considered.

Standing Committee amendments found in the Journal on page 1389 for the Seventy-first Day were adopted.

Mr. Warner offered the following amendments:

1. Strike sections 1 to 14 and insert the following:

"Section 1. The Legislature recognizes its responsibility under Article VII, section 1, of the

Constitution of Nebraska to provide financial support to the public schools of this state. It is the purpose of this act to meet such responsibility and at the same time to provide a reduction in property taxes and to place limitations on the total expenditures for public school purposes within the state. Funds provided under this act shall be in addition to those furnished under the School Foundation and Equalization Act.

Sec. 2. There is hereby established in the state treasury a fund to be known as the Public School Support Trust Fund into which shall be placed such funds as are required to be deposited therein under the provisions of this act.

Sec. 3. (1) State aid to the public schools shall be increased over a two-year period so that the state shall bear fifty per cent of the current operational cost of the public schools, which specifically excludes capital construction and acquisition funds, payments of interest and principal on bonded indebtedness.

(2) There shall be deducted from such current operational costs for purposes of determining the cost to be borne by the state, receipts from the following sources: (a) Tuition and transportation reimbursement received from any source, (b) all fines and license fees, (c) all payments received from the educational service unit, (d) all federal funds received for vocational education, (e) public power district sales taxes, (f) insurance tax fund, (g) state apportionment, (h) state appropriations for special education, vocational education and drivers education, and (i) other miscellaneous local and county revenue receipts, with the remainder of such cost to be borne locally. For purposes of computation under this act, the actual payments and reimbursements received in the immediately preceding school year shall be used.

(3) The Legislature shall increase appropriations for the aid of public schools so that (a) for the 1975-76 school year one half of such percentage to be borne by the state shall be provided, and (b) for the 1976-77 school year the total of such percentage shall be provided.

Sec. 4. Of the total appropriation from the Public School Support Trust Fund, five million dollars shall be set aside annually for allocation by the State Board of Education under the provisions of section 8 of this act and, commencing with the 1976-77 school year and subsequent school year, five million two hundred thousand dollars shall be set aside annually for allocation by the State Board of Education under the provisions of section 9 of this act. The remainder shall be distributed under the provisions of sections 5 and 6 of this act.

Sec. 5. After making the deductions provided in section 4 of this act, sixty per cent of the total appropriation to the Public School Support Trust Fund shall be distributed to the various school districts in the proportion that the number of pupils enrolled in all grades as of the last Friday in September bears to the total enrollment in all the public schools of this state.

Sec. 6. (1) The remainder of the total appropriation to the Public School Support Trust Fund shall be distributed to the various school districts so as to provide as nearly as may be practicable, a minimum per pupil financial support in the 1975-76 school year, equal to the lesser of the following: (a) The current expense of the previous year increased by an amount equal to fifty dollars per pupil for the year in which the budget is being established, or (b) three hundred fifty dollars for each pupil in kindergarten, seven hundred dollars for each pupil in grades one to six, seven hundred fifty dollars in grades seven and eight, and eight hundred dollars in grades nine to twelve. To be eligible for aid under this section, (a) each Class II, III, IV, or V school district must levy a tax equal to the mill levy that would be required if the total cost throughout the state to be borne locally in the 1976-77 school year and subsequent school years were to be raised by a uniform mill levy, (b) each Class I school district must levy a tax equal to three-sevenths of such mill levy, except that a Class I school district which is part of a Class VI school district offering instruction in grades seven to twelve must levy a tax equal to two-sevenths of such mill levy, and (c) each Class VI school district must levy a tax equal to four-sevenths of such mill levy, except that a Class VI school district offering instruction in grades seven to twelve must levy a tax equal to five-sevenths of such mill levy.

(2) When the population density in any school district is less than five persons per square mile the total financial support to each school district within the county under subsection (1) of this section insured for such district shall be increased by the following

percentages: (a) If the density is four or more but less than five persons per square mile, ten per cent, (b) if the density is three or more but less than four persons per square mile, fifteen per cent, (c) if the density is two or more but less than three persons per square mile, twenty per cent, (d) if the density is one or more but less than two persons per square mile, twenty-five per cent, and (e) if the density is less than one person per square mile, thirty per cent. Any scool district showing a density greater than provided in this subsection shall not qualify for such percentage increases.

Sec. 7. From the sum calculated pursuant to section 6 of this act, each district shall subtract operating funds obtained from (1) the state under section 5 of this act, (2) the qualifying levy prescribed in section 6 of this act; Provided, operating funds received from that portion of the local tax levy which exceeds the minimum prescribed in section 6 of this act shall be excluded from such computation, (3) the insurance tax fund, (4) state apportionment, (5) vocational education receipts, and (6) all receipts from local and county sources except local district taxes.

Sec. 8. The amount provided by section 4 of this act for allocation under this section shall be reserved for allocation by the State Board of Education to those school districts experiencing hardship occasioned by an abnormal increase or decrease in enrollment in any one school year. Any allocation under this section may be made only upon application to the board and a showing of hardship, and shall be for one year only. Any amount not allocated under this section shall be divided and allocated under sections 5 and 6 of this act.

Sec. 9. The amount provided by section 4 of this act for allocation under this section shall be reserved for allocation by the State Board of Education to those school districts which (1) furnish transportation to their pupils, (2) provide a special program for gifted children, or (3) provide a special program for culturally or educationally deprived children. It is the intent of this section that the state pay one half the cost of such transportation and special programs. To qualify for funds under this section, such special programs must be approved by the State Board of Education. Criteria for the classification of gifted and culturally and educationally deprived children shall be established by the State Board of Education.

Sec. 10. The State Department of Education shall review the budget of each school district for compliance with the provisions of this act. Each school district shall, on or before August 15 of each year, submit the required information to the State Department of Education for such review. The State Department of Education shall specify the required information. The maximum current operating expenditure budget for each school district for the school year 1974-75 shall not exceed the lesser of (a) a five per cent increase over the current operating budget for 1973-74, or (b) a twelve per cent increase over the current operating budget for 1972-73. A total increase in current expense of not more than five per cent above the 1974-75 budget shall be allowed for each district for 1975-76. Current operating expenditures shall not include any expenditures or allowances for capital construction, bonded indebtedness, or depreciation. Funds received under sections 7 and 11 of this act shall not be considered for purposes of determining such percentage increases. On or before October 15 of each year, the State Department of Education shall notify the State Board of Equalization and Assessment of the amount required by this act to be raised during the next calendar year as required by section 14 of this act.

Sec. 11. During the 1974-77 period, no school district shall introduce any new or innovative program, as defined by the State Department of Education which would increase its total cost above that provided in this act except upon unanimous vote of the school board or board of education or a majority vote of the electors of the district voting on the proposition at a general or special school election. This provision shall not apply to any exemplary or innovative programs which are totally funded by federal funds. After such period, the cost of any such program shall not be taken into account for purposes of this act until the program has been in operation for three consecutive years.

Sec. 12. Payments under this act shall be made in four approximately equal installments, one on September 30, one on January 15, one on March 15, and one on May 15 of each school year. The September 30 payment shall be an estimated payment. The first such payment shall be made on September 30, 1975.

Sec. 13. The State Department of Education shall promulgate such rules and regulations as shall be necessary to carry out the provisions of this act.

Sec. 14. (1) The State Board of Education shall, on or before September 30, 1974, certify to the Governor, the Executive Board of the Legislative Council, and the indivdual members of the State Board of Equalization and Assessment the amount necessary to be raised by state taxation for purposes of this act during the next calendar year, which amount shall be twenty-five per cent of the actual operational cost of the public schools for the immediately preceding school year less the deductions provided in section 3 of this act.

(2) The State Board of Education shall, on or before September 30, 1975, certify to the Governor, the Executive Board of the Legislative Council, and the individual members of the State Board of Equalization and Assessment the amount necessary to be raised by state taxation for purposes of this act during the next calendar year, which amount shall be fifty per cent of the actual operational cost of the public schools for the immediately preceding school year less the deductions provided in section 3 of this act.

(3) The State Board of Education shall, on or before September 30, 1976, and on or before September 30 each year thereafter, certify to the Governor, the Executive Board of the Legislative Council, and the individual members of the State Board of Equalization and Assessment the amount necessary to be raised by state taxation for purposes of this act during the next calendar year, which amount shall be the amount of the most recent appropriation by the Legislature plus ten per cent.

(4) The State Department of Education shall on or before January 1, 1974 and January 1 of each year thereafter, report to the Governor and Executive Board of the Legislative Council, the average per pupil cost of public school education in the State of Nebraska for the previous year.

Sec. 15. The payments provided for in this act shall be made from money raised under the provisions of the Nebraska Revenue Act of 1967. At the time of fixing the sales and income tax rates, the State Board of Equalization and Assessment shall certify to the State Treasurer the percentage of the total revenue to be derived therefrom necessary to provide the amount certified each year pursuant to section 14 of this act.

The State Treasurer shall monthly deposit such percentage of monthly receipts to the credit of the Public School Support Trust Fund.

Sec. 16. This act shall be known and may be cited as the Public School Support Act of 1973.

Sec. 17. That sections 79-1330 to 79-1340, and 79-1342 to 79-1344.01, Reissue Revised Statutes of Nebraska, 1943, and section 79-1333.01, Revised Statutes Supplement, 1972, are repealed. This section shall become operative on September 1, 1976.".

Mr. Warner offered the following amendment to his amendment, which was adopted:

In Sec. 6, line 14, page 3, strike "to" and insert "from".

Mr. Maresh offered the following amendment to the Warner amendment, which was adopted:

Amend the Warner amendment Sec. 3, page 1, line 21 insert after 3rd word "an average of" before "50%".

The Warner amendments were adopted, as amended.

SPEAKER PROUD PRESIDING

Mr. Warner offered the following amendments, which were adopted:

1. Page 2, line 18, strike "1975-76" and insert "1974-75"; page 2, lines 20 and 27 strike "1976-77" and insert "1975-76".
2. Page 3, line 17, strike "1975-76" and insert "1974-75".
3. Page 4, line 2, strike "1976-77" and insert "1974-75".
4. Page 10, line 7, strike "1976" and insert "1975".

Mr. Murphy offered the following amendments, which were adopted:

1. On page 8, after line 24 insert a new section as follows:

"Sec. 13. That section 79-4,102, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-4,102. (1) The county superintendent of each county in which a Class VI school is not maintained shall, within thirty days after the annual meeting, certify to the county board of supervisors or commissioners the number of qualified pupils whose parents or guardians have applied to the county superintendent for nonresident high school tuition privileges and a list of school districts which have been approved by the State Board of Education as schools qualified to grant nonresident public high school education to nonresident pupils under the provisions of sections 79-494 to 79-4,106.

(2) The high school tuition rate for nonresident pupils shall be determined annually by the receiving district on a uniform basis for all pupils but such rate shall in no event be ~~less~~ more than one and two-tenths times the average per pupil cost for the preceding school year determined as provided in subsection (3) of section 79-486 less the per pupil aid received from state funds. The superintendent of the receiving school shall certify such rate to the county superintendent on or before the second Monday in July of each year.".

2. On page 8 after line 27 insert a new section as follows:

"Sec. 15. That original section 79-4,102, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

3. On page 9, line 4 after "1972," insert "and amendments thereto,".

4. Renumber original sections 13 and 14 as sections 14 and 16 respectively.

PRESIDENT MARSH PRESIDING

Mr. Burbach offered the following amendment:

Insert a new section to read:

Sec.

"(1) In addition to the amounts specified in section 3 and 4 of this act, an additional amount shall be appropriated by the legislature to provide assistance to those school districts who, because of their unique geographic and demographic characteristics, have a high cost per pupil, but receive very little state aid. This additional aid shall be provided to such school districts only if their current operating expenditures for the preceding year exceeded $1,000 per pupil and the school district offered instruction in grades K-12.

(2) The State Department of Education shall establish rules and regulations for the distribution of the funds provided for in this section. The Department of Education shall consider such factors as: (a) Valuation per pupil (b) student teacher ratio (c) local effort and (d) other sources of assistance available."

Mr. Carpenter moved the previous question. The question is, "Shall the debate now cease?" The motion prevailed with 26 ayes, 5 nays and 18 not voting.

The Burbach amendment was adopted with 27 ayes, 5 nays and 17 not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 172. Replaced on Select File as amended.

E & R amendments to LB 172:

1. Pursuant to the Carpenter amendment, insert a new section to read:

"Sec. 3. No school district shall increase its operating budget for the 1973-74 school year by more than eight per cent over its operating budget for the

1972-73 school year. For purposes of this section, the operating budget shall not include funds for capital construction or acquisition or for payment of principal and interest on bonded indebtedness.".

2. Renumber original sections 2 and 3 as sections 4 and 5.

3. In the title, as amended, line 6, insert "to limit budget increases;" after the semicolon.

LEGISLATIVE BILL 545. Replaced on Select File as amended.
E & R amendments to LB 545:

1. In lieu of the longhand portion of the Cavanaugh amendments, in the Final Reading bill, strike beginning with "and" in line 6 through "agencies" in line 7; strike line 12 and insert "Personnel"; in line 13, strike "agencies"; and insert the typed paragraph after line 17.

2. In line 4 of the new paragraph added by the Cavanaugh amendment, insert a comma after "System".

LEGISLATIVE BILL 554. Placed on Select File as amended.
E & R amendments to LB 554:

1. On page 2, line 21, strike "one containing the" and show as stricken.

2. On page 3, line 24, insert "the" after the second "and".

3. In the title, line 5, insert "county clerks and" after "for".

LEGISLATIVE BILL 555. Placed on Select File as amended.
E & R amendments to LB 555:

1. On page 3, line 10, strike "their" and insert "its"; in line 13, strike "are" and insert "is"; in lines 14 and 15, strike "their board to appoint" and insert "appointment of"; in line 15, insert an underscored comma after the second "board"; in line 20, strike "they" and insert "it"; and insert an underscored comma after "primary" in line 23 and "elected" in line 25.

2. On page 4, line 1, insert "the" after the comma and "and" and insert an underscored comma after "terms".

LEGISLATIVE BILL 556. Placed on Select File as amended.
E & R amendments to LB 556:

1. On page 5, line 26, insert an underscored comma after "election".

2. On page 6, lines 2 and 3, strike "be as stated above" and insert "the same as for a special election"; insert an underscored comma after "checked" in line 6, "shall" in line 10, and "election" in line 11; strike "a" in line 11 and the first "the" in line 16; and in line 19, strike "commissioners" and insert "commissioner".

3. In the title, strike lines 4 and 5 and insert "provide for voting on the question of liquor by the drink at the time of"; and in line 8, strike "procedure for election" and insert "procedures".

STANDING COMMITTEE REPORT
Agriculture and Environment

LEGISLATIVE BILL 378. Placed on General File as amended. Standing Committee amendment to LB 378:

1. Strike original sections 1 and 2 and insert:

"Section 1. That section 81-217.13, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-217.13. The following acts and the causing thereof within the State of Nebraska are hereby prohibited:

(1) The manufacture, sale or delivery, holding or offering for sale of any food that is adulterated or misbranded;

(2) The adulteration or misbranding of any food;

(3) The tender into commerce of any food that is adulterated or misbranded, and the receipt or proffered receipt thereof by any consignor for pay or otherwise;

(4) The sale, delivery for sale, holding for sale, or offering for sale of any article in violation of section 81-217.22;

(5) The dissemination of any false advertisement;

(6) The refusal to permit entry or inspection, or to permit the taking of a sample, as authorized by section 81-217.26;

(7) The giving of a guaranty or undertaking which guaranty or undertaking is false, except by a person who relied on a guaranty or undertaking to the same effect signed by and containing the name and address of the person residing in the State of Nebraska from whom he received in good faith the food;

(8) The removal or disposal of a detained or embargoed article in violation of section 81-217.16;

(9) The alteration, mutilation, destruction, obliteration, or removal of the whole or any part of the labeling of, or the doing of any other act with respect to a food, if such act is done while such article is held for sale and results in such article being adulterated or misbranded; ~~and~~

(10) Forging, counterfeiting, simulating, or falsely representing, or without proper authority using any mark, stamp, tag, label or other identification device authorized or required by sections 81-217.11 to 81-217.27 or regulations promulgated under the provisions of sections

81-217.11 to 81-217.27; and

(11) Offering for sale in the same display case or refrigerated cabinet at any retail establishment, any synthetic meat, fish, or poultry product together with the display for sale of any natural food product in such a manner that the consumer may be misled or in any way deceived in the selection of any product from such display case or refrigerated cabinet; Provided, that the same display case or refrigerated cabinet may be used for both synthetic and natural products offered for sale if signs are displayed on such case or cabinet clearly providing notice to consumers of any synthetic product contained therein with any natural food product; and provided further, that the synthetic product be correctly and conspiciously labeled with the term synthetic in print of the same size used to identify the product and that the label contain a detailed statement of ingredient and nutritional value and pricing information pursuant to section 89-191.

Sec. 2. That original section 81-217.13, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

(Signed) Loran Schmit, Chairman

ATTORNEY GENERAL'S OPINIONS

Opinion No. 50
May 11, 1973

Senator Glenn A. Goodrich
Nebraska State Legislature
State Capitol
Lincoln, Nebraska

Dear Senator:

You ask if the abortion bill, L. B. 286, as amended, is constitutional. Its constitutionality has to be measured in light of the United States Supreme Court's decisions in Roe v. Wade, ___U. S.___, 35 L. Ed. 2d 147, 93 S. Ct.___, and Doe v. Bolton, ___U. S. ___, 35 L. Ed. 2d 201, 93 S. Ct. ___(1973).

After reviewing those cases and L. B. 286, we are unable to say that the Supreme Court would or would not uphold the bill if it is passed.

There are some parts of the bill that might have problems with the Supreme Court ruling. For example, Section 3 requires:

> "Every physician consulted about abortion by an expectant mother shall inform her of agencies and services available to assist her to carry the pregnancy to natural term, and shall further inform the expectant mother as to all reasonably possible medical and mental consequences resulting from the performance of an abortion."

Failure to comply, according to Section 4, would make the doctor subject to fine and/or imprisonment. For the period of the pregnancy covering the time to the approximate end of the first trimester this section may possibly be construed to violate this part of the Wade ruling:

> "For the stage prior to approximately the end of the first trimester, the abortion decision and its effectuation must be left to the medical judgment of the pregnant woman's attending physician."

The next section that may or may not be construed as invalid is Section 5 which now provides:

> "No abortion shall be performed or prescribed after the unborn child has reached viability, except when necessary to preserve the woman from an imminent peril that substantially endangers her life or health. No abortion procedure employed pursuant to this provision shall have the direct or indirect effect of terminating the viability of the unborn child prior to, during, or following the procedure."

We have no trouble with the proscription of abortion after viability except when necessary to preserve the woman from an imminent peril that endangers her life or health. However, the restriction of the methods used to accomplish the abortion may be construed as too restrictive. About the only methods left are hysterotomy and induced labor. The second sentence of the quoted provision would, for example, eliminate the possibility of using the saline injection method because the possibility of death to the unborn child is almost one hundred per cent. Even the hysterotomy method could cause grave danger to the unborn at very early stages of viability. The big problem here is that there is no definite time period of when viability occurs. Even the Supreme Court recognized this in Wade when it said:

> ". . . Viability is usually placed at about seven months (28 weeks) but may occur earlier, even at 24 weeks. . . ."

This problem of when viability occurs was discussed in our opinion number 47, dated May 7, 1973.

The next possible problem with the bill is that of the matter of obtaining consent from a parent or guardian of a minor or the consent of the father of the unborn child. The consent requirements are in Sections 8 and 9 of the bill. In its decision, the Supreme Court left this area up in the air. In Wade they said in a footnote at the end of the majority opinion:

> "Neither in this opinion nor in Doe v. Bolton, post, do we discuss the father's rights, if any exist in the constitutional context, in the abortion decision."

What the Supreme Court would say about the consent requirements is a matter of pure speculation.

Although it may be argued that the statistical requirements of Section 19 of the bill may fly in the face of Bolton, we do not believe so. However, again, it is pointed out that to give an exact answer is impossible.

In conclusion, we cannot be sure if L.B. 286 is valid or invalid but we note again that probably the second sentence of Section 5 could be the most troublesome for us in defending the validity of the act.

Very truly yours,

CLARENCE A. H. MEYER
Attorney General

(Signed) James J. Duggan
Assistant Attorney General

JJD:ejg
cc Mr. Vincent D. Brown
Clerk of the Legislature

Opinion No. 51
May 11, 1973

Senator John W. DeCamp
Nebraska State Legislature
State Capitol
Lincoln, Nebraska

Dear Senator:

You ask if the abortion bill, L.B. 286, as amended, is constitutional. You also ask if the severability clause in the bill will suffice to uphold the balance of the bill if part of the bill is declared unconstitutional.

In response to your first question we refer you to our opinion to Senator Goodrich, Number 50, dated May 11, 1973.

As for the effect of the severability clause, the rule in Nebraska is set out in Terry Carpenter, Inc. v. Wood, 177 Neb. 515, 129 N.W. 2d 475 (1964), as follows:

> "A declaration of severability in a legislative act is a declaration of the intent of the Legislature that it would have passed the act with the invalid parts omitted. State ex rel. Meyer v. County of Lancaster, 173 Neb. 195, 113 N.W. 2d 63. When a legislative enactment in which such a declaration appears contains valid and void provisions, the valid provisions will be upheld if it is

> a complete law in itself, capable of enforcement and is not dependent upon that which is invalid; or, stated another way, when the invalid portions of the act are so interwoven with the rest that the act may not be operative with the void portions eliminated or where it is obvious from an inspection of the act that the invalid portion formed the inducement for the passage of the act, the whole act fails."

If a portion of L.B. 286 is declared unconstitutional, what is left would have to be looked at with the foregoing rule in mind to determine whether it would stand or fall.

Very truly yours,

CLARENCE A. H. MEYER
Attorney General

(Signed) James J. Duggan
Assistant Attorney General

JJD:ejg
cc Mr. Vincent D. Brown
Clerk of the Legislature

Opinion No. 52
May 11, 1973

Senator Terry Carpenter
Nebraska State Legislature
State Capitol
Lincoln, Nebraska

Dear Senator Carpenter:

In your letter of May 9, 1973, you have submitted to us some proposed amendments to L.B. 534, and have asked our opinion as to the validity of these amendments, particularly in light of the case of Norden Laboratories, Inc. v. County Board of Equalization, 189 Neb. 437, 203 N.W. 2d 152. We see no constitutional difficulties with your amendments, or conflicts with the Norden Laboratories case.

Among other things, your amendments would increase the fine for violation of the act, increase the bond required of bonded and licensed warehouses and storage areas, and change the agency designated to license storage areas from the Tax Commissioner to the Public Service Commission. We see no constitutional difficulties at all with respect to these matters.

One of your amendments would amend Section 2 of the bill by striking subparagraph (2) (a) of the original bill and substituting therefor the following:

> "(2) (a) Bonded and licensed storage areas as used in Chapter 77, article 12, shall mean specifically defined storage areas which (i) may be used for in-transit storing or storage for shipment of goods, wares, and merchandise of the owner of such storage area, (ii) are made available to or used by the general public for compensation, (iii) are advertised by means of a printed sign with letters not less than three and one-half inches in height and one inch in width bearing the words 'general public storage area' displayed in the involved bonded and licensed storage area in a place which can be observed by the general public, and (iv) are licensed and bonded by the Public Service Commission prior to January 1, 1974, or January 1 of each calendar year thereafter if exemption under Section 77-1226.01 is to be claimed for such calendar year, except that storage areas defined under this act shall not include areas used exclusively for the storage of livestock, poultry, fish, and fur-bearing animals before processing."

As we indicated in our opinion of May 8, 1973 to Senator Burbach, we do not believe that the Norden Laboratories case stands for the proposition that an exemption to goods owned by the owner of the warehouse or storage area would be in violation of Article VIII, Section 2A of the Nebraska Constitution. In this respect, your amendment would not go as far as the original version of L.B. 534, which would permit the exemption to the goods owned by the owner of a completely private storage area. Your amendment would permit the exemption only if the storage area was also made available to the public. If we were correct in our opinion to Senator Burbach that the original bill was valid in this respect, your amendment would be in at least as strong a position.

You have also asked about the validity of the exclusion of areas used exclusively for the storage of livestock, poultry, fish, and fur-bearing animals before processing. The question there is the reasonableness of the classification. The general rule is that the Legislature may classify persons, corporations and property for purposes of legislation, but the classification must rest upon real differences in situation and circumstances of members of the class relative to the subject of legislation, and the law must operate uniformly on every member of the class so designated. The basic question, then, is whether there is a rational basis for treating livestock, poultry, fish, and fur-bearing animals before processing, which are being held "in storage" for interstate shipment differently from other property held in storage for such interstate shipment. It appears to us that the court could readily find a basis for such different treatment. In the first place, one would not ordinarily use the term "storage" in connection with the holding of live animals, and it is questionable whether they were intended to be included under Article VIII, Section 2A of the constitution. Furthermore, live animals require constant care, feeding, watering, etc. and, if kept for any appreciable time, may grow or gain weight. The Legislature would, in our opinion, be fully justified in taking the position that this was not the type of "storage" it intended to authorize an exemption for. We therefore see no difficulty with this provision in your amendment.

Very truly yours,

CLARENCE A. H. MEYER
Attorney General

(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:jc
cc: Vincent Brown
Clerk of the Legislature

STANDING COMMITTEE REPORT
Committee on Committees

May 11, 1973

The Committee on Committees desires to report a meeting was held at 4:15 p.m. May 10, 1973, for the purpose of the consideration of the appointment of George R. Egermayer to the Board of Trustees, Nebraska State Colleges by Governor J. James Exon. The Committee desires further to report that there was neither enough votes to approve or reject the appointment. The vote to recommend the appointment was five ayes, four nays and four absent and not voting. The vote on the motion to reject the appointment was three ayes, four nays and two present and not voting, and four absent and not voting.

A motion was made to direct the Chairman to report to the Legislature that the appointment of George R. Egermayer to the Board of Trustees, Nebraska State Colleges is deadlocked in Committee and then let the Legislature take appropriate action. This motion carried with nine ayes, four absent and not voting.

The approval or rejection of George R. Egermayer must be made at this session of the Legislature or he will hold the position until the end of the term for which he was appointed. His term is January 9, 1973 until January 1, 1979.

Respectfully submitted,

(Signed) Ramey C. Whitney, Chairman
COMMITTEE ON COMMITTEES

RESOLUTION

LEGISLATIVE RESOLUTION 73.

Introduced by Anderson, 37th District.

WHEREAS, County Superintendents of Schools have contributed immeasurably to the development of education in Nebraska, but

WHEREAS, school district reorganization has reduced the work load of county superintendents' offices; and

WHEREAS, the Legislature has enacted LB 402 which will result in the closing of the offices of numerous county superintendents; and

WHEREAS, many questions will arise as a result of the implementation of this legislation; and

WHEREAS, the future role of county superintendents' offices has not yet been resolved by the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That an interim study committee be created to seek answers to questions which may grow out of the closing of offices of county superintendents, which questions will include the following:

(1) Who will be responsible for the safekeeping of records?

(2) How will the transfer of (a) school, and (b) non-school functions be accomplished?

(3) How will the transfer of functions be accomplished if they are transferred to a (a) Educational Service Units, (b) local school superintendents, or (c) county superintendents of adjacent counties?

(4) What will be the responsibilities of the governing board of the counties in the transfer of functions?

(5) What will be the responsibilities of the State Board of Education in the transfer of functions?

(6) Who will be responsible for coordination of the functions at the state level?

(7) What will be done with regard to the registration of teachers' certificates?

(8) What provision will be made for assistance and guidance to those rural schools remaining in operation?

(9) And any additional questions relating to the handling, transfer or abolition of the duties presently assigned to the county superintendents which may arise during the course of the study.

II. That the committee report its findings, together with any recommendations, to the Legislature upon completion of the study.

Referred to the Executive Board.

VISITORS

President Marsh introduced 150 4th grade students from Bellevue School, Bellevue and teachers Mmes. Fleming, Bailey and Hudson and Misses White and Lahm.

President Marsh introduced 11 6th and 8th grade students from District No. 4, Grand Island and teachers Mildred Wagner and Ellen Grossart.

President Marsh introduced 18 7th and 8th grade students, 3 adults and teacher Mrs. McCall from Burchard Public School, Burchard.

President Marsh introduced 48 7th grade students and teachers Mmes. Benjamin and Mobley from Horace Mann Jr. High School, Omaha.

President Marsh introduced 36 4th grade students from Laurel Public School, Laurel and teachers Mmes. Monk, Erion, Kneifel, Carlson, Jensen and Cunningham.

President Marsh introduced 38 7th and 8th grade students, 4 adults and teachers Mrs. Staub and Mr. Teachout from Orchard Public School, Orchard.

President Marsh introduced 33 8th grade students from Crofton School, Crofton and teacher Lois Falkers.

President Marsh introduced 7 3rd, 4th and 5th grade students, 1 parent and teacher Mrs. Donna Bowne from Carleton Public School, Carleton.

President Marsh introduced 20 3rd grade students, 4 mothers and teacher Mrs. Hellerich from Valparaiso Central School, Valparaiso.

President Marsh introduced 33 1st through 8th grade students, 6 mothers and teachers Mmes. Duda and Ottner from Bellwood and Linwood.

President Marsh introduced 16 3rd grade students and teachers Mmes. Herrick, Wortman and Puhala from Table Rock.

President Marsh introduced 60 4th grade students and teachers Olenda Olson, Cathy Lippold and Carol Roth from Holmesville Elementary School, Wymore.

President Marsh introduced 35 8th grade students and teachers Lyle Casper and Warren Hellbusch from Fullerton.

President Marsh introduced 31 high school freshmen students, 6 sponsors and teachers Mr. Marcotte and Miss Vodroska from B & B School, Baileyville, Kansas.

President Marsh introduced 33 3rd and 4th grade students and teachers Mmes. Ross and Schmidt from Nehawka.

RECESS

At 12:00 Noon on a motion by Mr. Hasebroock, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:00 p.m., Mr. Marvel presiding.

The roll was called and all members were present except Messrs. F. Carstens, Epke, Kelly, Kime, Kremer and Skarda who were excused; Mr. Chambers who was absent.

UNANIMOUS CONSENT—Members Excused

Messrs. Richendifer and Murphy asked unanimous consent to be excused at 3:00 p.m. today. No objections. So ordered.

UNANIMOUS CONSENT—Select File Bills

Mr. Carpenter asked unanimous consent to revert to Select File and move the bills reported in today. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 172. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 545. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Re-engrossment.

LEGISLATIVE BILL 554. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 555. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 556. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

MOTION–Return LB 286 to Select File

Mr. Anderson moved to return LB 286 to Select File for the following specific amendment:

1. In lieu of the Anderson amendment to section 5, insert a new section to read:

"Sec. 6. No abortion procedure employed pursuant to section 5 of this act shall have the direct or indirect effect of terminating the viability of the unborn child prior to, during, or following the procedure.".

2. Renumber sections 6 to 24 as sections 7 to 25.
3. In renumbered section 8, line 2, strike "or 6" and insert ", 6, or 7".
4. In renumbered section 11, line 3, strike "8 and 9" and insert "9 and 10".
5. In renumbered section 16, lines 2 and 5, strike "14" and insert "15".
6. In renumbered section 21, line 2, strike "19" and insert "20".

The motion prevailed with 27 ayes, 1 nay and 21 not voting.

SELECT FILE

LEGISLATIVE BILL 286. The Anderson specific amendment found in this day's Journal was adopted with 27 ayes, 1 nay and 21 not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT–Unbracket LB 358

Mr. Warner asked unanimous consent to unbracket LB 358 on Select File. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 358. Advanced to E & R for Engrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 74.

Introduced by Barnett, 26th District; Richendifer, 16th District; Keyes, 3rd District.

WHEREAS, the Nebraska State Patrol is one of the most highly respected law enforcement agencies; and

WHEREAS, the efficiency and competency of the State Patrol is dependent upon the officers of the patrol; and

WHEREAS, the retention of efficient and qualified personnel is directly related to the nature and atmosphere of the employment and the benefits received therefrom.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a constructive interim study be undertaken to determine whether the needs of the State Patrol are being adequately met in the following areas: organizational structure, manpower, salaries, and fringe benefits.
2. That the study recommend changes in those areas deemed to be inadequate to meet the needs of the patrol.
3. That the results of such study be reported to the next Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 75.

Introduced by Maresh, 32nd District.

WHEREAS, present access to the Interstate Highway System for areas south of the Interstate Highway is inadequate; and

WHEREAS, such access is of prime importance to enable the communities in these areas to attract new industries and retain existing industries.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That an interim study be conducted to determine what actions might be taken by the Department of Roads to assist these areas in gaining adequate access to the Interstate Highway System.
2. That the results of such study be reported to the next session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 76.

Introduced by Carpenter, 48th District.

WHEREAS, computers are becoming increasingly important to the State of Nebraska and its governmental subdivisions in the conduct of their regular functions; and

WHEREAS, a review and study of available computer programs and of the development of future systems in Nebraska is necessary to aid in the planning, construction, utilization, and financing of such systems; and

WHEREAS, a study committee should be appointed to investigate how state and local government could be improved by better planning, use, and coordination of existing computer systems; and

WHEREAS, every possible effort should be made to increase the efficacy of government at all levels.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That an interim study be conducted to gather data relative to computer use at the state and local level, such study to include:
    (a) A inventory of all equipment;
    (b) Utilization of existing facilities;
    (c) Personnel used in and supporting existing computer facilities;
    (d) An inventory of current computer applications; and
    (e) Identification of future requirements for computer systems in Nebraska.
2. That at the conclusion of the study a report of the findings, together with any recommendations, be made to the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 77.

Introduced by Fowler, 27th District.

WHEREAS, federal programs of financial aid to students attending institutions of higher education are experiencing major changes; and

WHEREAS, the increased tuition fees and living costs may restrict lower income students from attaining a higher education; and

WHEREAS, the Education Committee is holding a bill that would create a statewide Commission on Scholarships and financial aids in higher education; and

WHEREAS, the citizens of the State of Nebraska have historically supported and approved the premise that all persons should have a right to the highest standard of education.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That an interim study be conducted to gather data relative to the problems of financial aids for higher education, such study to include:

   (a) What type of funds are needed to insure that any eligible Nebraska student desiring to attend a Nebraska institution of higher education will not be denied such an opportunity due to the lack of financial resources; and

   (b) What structure may be required to monitor statewide scholarship programs and needs.

2. That at the conclusion of the study a report of the findings, together with any recommendations, be made to the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 78.

Introduced by Schmit, 23rd District.

WHEREAS, Agriculture is the principal economic operation in Nebraska, and as such, is the basis of the economic growth and health of our State, and

WHEREAS, moderate changes affecting other industries in our State will always have a direct economic effect upon Agriculture, and

WHEREAS, it is in the best interest of the citizens of this State to maintain close scrutiny on laws, regulations and executive orders which may effect the agricultural industry and economy of our State, and

WHEREAS, it is also in the best interest of the citizens of our State to maintain continuing examination of any and all changes affected by policy determination or modification of laws or regulations for the purpose of making recommendations for legislation or executive change or modification of such in order that the economic status of Agriculture may remain strong in the best interests of our State, and

WHEREAS, The Committee on Agriculture and Environment is best suited and staffed to hold whatever hearings or to conduct such investigations as may be necessary to effectuate the provisions of this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA IN FIRST SESSION:

1. That the Committee on Agriculture and Environment is hereby authorized by this body to conduct hearings, investigations and examinations, as necessary to effectuate the intent and purpose of this resolution and to prepare new or corrective legislation for introduction in the next session of the Legislature in all matters which affect agriculture and the economic value of agriculture in Nebraska.

2. That a report of the Committee's reports and recommendations be made available at next session to the entire body of the legislature together with any suggestions for introduction of new or corrective legislation found necessary by the Committee.

Referred to the Executive Board.

MOTION–Return LB 545 to Select File

Mr. Cavanaugh moved to return LB 545 to Select File for the following specific amendment:

Add the Severability Clause.

The motion prevailed with 31 ayes, 0 nays and 18 not voting.

SELECT FILE

LEGISLATIVE BILL 545. The Cavanaugh specific amendment found in this day's Journal was adopted with 28 ayes, 0 nays and 21 not voting.

Advanced to E & R for Re-engrossment.

GENERAL FILE

LEGISLATIVE BILL 472. Considered.

Mr. Whitney offered the following amendments:

1. In the Warner amendments, page 2, line 27, insert ", eight million dollars shall be set aside annually for allocation by the State Board of Education under the provisions of section 9 of this act," after "act."
2. On page 3, line 4, strike "9" and insert "10".
3. Insert a new section to read:

"Sec. 9. The amount provided by section 4 of this act for allocation under this section shall be distributed among those school districts which have an estimated mill levy higher than the average of the mill levies of all districts in the five most populous counties of the state so that, as nearly as may be practicable, their individual levies will be reduced to such average. If the funds provided are insuffcent to accomplish such purpose, they shall be distributed so as to equalize, as nearly as may be practicable, the mill levies of the districts entitled to distribution under this section. If the funds provided are in excess of the amount needed for such purpose, the balance shall be divided and allocated under sections 5 and 6 of this act.".

4. Renumber original sections 9 to 17 as sections 10 to 18.

Mr. Whitney requested a record vote on his amendments.

Voting in the affirmative, 10:

C. Carsten
Clark
DeCamp
Kennedy
R. Lewis
Maresh
Stahmer
Stull
Whitney
Wiltse

Voting in the negative, 21:

Barnett
Burbach
Carpenter
Dickinson
Duis
Fellman
Goodrich
Hasebroock
F. Lewis
Luedtke
Mahoney
Marsh
Marvel
Moylan
Murphy
Proud
Richendifer
Simpson
Snyder
Syas
Warner

Not voting, 18:

Anderson
F. Carstens
Cavanaugh
Chambers
Epke
Fowler
Johnson
Kelly
Keyes
Kime
Kremer
Nore
Rasmussen
Savage
Schmit
Skarda
Stromer
Waldron

The amendments lost with 10 ayes, 21 nays and 18 not voting.

Advanced to E & R for Review with 32 ayes, 3 nays and 14 not voting.

PRESIDENT MARSH PRESIDING

MESSAGE FROM THE GOVERNOR

May 10, 1973

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Reengrossed Legislative Bill No. 180 and Engrossed Legislative Bills Nos. 55, 266, 349, 515, and 548.

These bills were signed by me on May 10, 1973 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

STANDING COMMITTEE REPORT
Judiciary

LEGISLATIVE BILL 387. Placed on General File as amended.
Standing Committee amendment to LB 387:
1. On page 2, line 12 after "state," strike "this"; strike line 13; and in line 14 strike "compact,".

(Signed) Roland Luedtke, Chairman

GENERAL FILE

LEGISLATIVE BILL 577. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 1 nay and 21 not voting.

LEGISLATIVE BILL 246. Title read. Considered.

Standing Committee amendments found in the Journal on page 1526 for the Seventy-seventh Day were adopted.

Mr. Carpenter moved to advance LB 246 to E & R for Review.

Mr. Carpenter moved for a Call of the House. The motion prevailled with 16 ayes, 0 nays and 33 not voting.

Mr. Carpenter moved the Call be raised. The motion prevailed with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Review with 26 ayes, 3 nays and 20 not voting.

LEGISLATIVE BILL 275. Considered.

Mr. Syas asked unanimous consent to print the proposed amendments to LB 275 in the Journal. No objections. So ordered.

Carpenter amendment (No. 1) to LB 275:

Line 5 strike "a college of agriculture" insert (3) "Institute of Agriculture, Natural Resources and Rural Development"

Strike Line 6 "which may include a school of Veterinary medicine an surgery" insert (4) Veterinary Medicine an surgery commencing with the fall semester of 1976.

Line 12 after "Dentistry" insert (11) "Rural Health and related subjects".

Line 14 strike "Environmental Design" insert "Architecture"

Lines 15, strike "University" an all of lines 16, 17, and 18.

Carpenter amendment (No. 2) to LB 275:

"85-107. The University of Nebraska may embrace the following colleges: (1) ~~A~~ Graduate ~~College~~; (2) A ~~College of Arts~~ and Sciences: (3) ~~A College of Agriculture~~ Institute of Agriculture, Natural Resources and Rural Development; (4) Veterinary Medicine and Surgery commencing with the fall semester of 1976; (4) (5) ~~a College of~~ Home Economics; ~~(5)~~ (6) ~~a College of Engineering and Architecture~~ Engineering and Technology; ~~(6)~~ (7) ~~a Teachers College~~ Teachers, or Education, as may be provided; ~~(7)~~ (8) ~~a College of~~ Law; ~~(8)~~ (9) ~~a College of~~ Medicine; ~~(9)~~ (10) Rural Health and related subjects; ~~(10)~~ (11) ~~a College of~~ Dentistry; ~~(11)~~ (12) ~~a College of~~ Business Administration; ~~(12)~~ (13) ~~a College of~~ Nursing; ~~(13)~~ (14) Continuing Studies; ~~(14)~~ (15) ~~Environmental Design~~ Architecture; ~~(15)~~ (16) Public Affairs and Community Service; ~~(16)~~ (17) University College; and ~~(17)~~ (18) such other colleges as the Board of Regents of the University of Nebraska may from time to time designate by resolution.

Commencing with the fall semester of 1975, the University of Nebraska-Lincoln School of Journalism shall have the authority to award graduate degrees and shall establish a supporting graduate-level curriculum, including but not limited to television, radio, communications, and affiliated subjects."

Carpenter amendment (No. 3) to LB 275:

1. On page 2, line 11, after "Medicine;" insert "(9) Rural Health and related subjects;"; in line 15 after "Public Affairs" insert ", Rural Development,"; and renumber original subdivisions (9) to (17) as subdivisions (10) to (18) respectively.

Mahoney amendments to LB 275:

1. On page 2, insert "at the University of Nebraska at Lincoln and also at the University of Nebraska at Omaha;" at the end of line 8; in line 9, strike "and Technology" and insert "(6) Technology at the University of Nebraska at Lincoln and also at the University of Nebraska at Omaha"; and in section 1 renumber subdivisions (6) to (16) as subdivisions (7) to (17) showing old numbers stricken and new ones added.

2. Insert a new section to read:

"Sec. 2. That section 85-191, Revised Statutes Supplement, 1972, be amended to read as follows:

85-191. On or before March 15, 1968, the university board shall submit to the state board all recommendations for the employment of faculty, officers, employees, and other personnel to become effective on or after July 1, 1968. On or before April 15, 1968, the state board shall advise the university board of its approval or modification of such list. The faculty and staff of the University of Nebraska at Omaha and members of their families shall have the same rights of tuition-free enrollment as existed prior to July 1, 1968.".

3. Renumber original section 2 as section 3.

4. On page 2, line 19, strike "section 85-107" and insert "sections 85-107 and 85-191"; and in line 20 strike "is" and insert "are".

LEGISLATIVE BILL 549. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 267. Title read. Considered.

Mr. Warner offered the following amendments:

1. On page 2, line 18, strike "received" and insert "accepted"; and in line 20, strike "receive" and insert "accept".
2. On page 3, insert "political party," at the end of line 16.
3. On page 4, insert "or" at the end of line 12; strike beginning with "or" in line 13 through line 16; and strike lines 22 to 27 and lines 1 to 6 on page 5.
4. On page 5, strike lines 7 to 18 and renumber subsequent subdivisions of section 1 accordingly.
5. On page 6, line 7, insert "and an assistant treasurer as the committee deems it necessary or desirable" after "treasurer"; and in lines 12, 21, and 27, insert "or assistant treasurer" after "treasurer".
6. On page 7, line 2, insert "and assistant treasurer" after "treasurer"; in lines 4, 5, and 24, insert "or assistant treasurer" after "treasurer"; and in line 25, insert "or a candidate" after "committee".
7. On page 8, line 8, insert "or assistant treasurer" after "treasurer".
8. On page 9, line 5, insert "and five days prior" after "prior"; and in line 26, insert ", including the names and addresses of all contributors thereto" after "period".
9. On page 10, strike beginning with the comma in line 3 through "events" in line 5; and in line 23 insert ". The candidate, committee treasurer, or assistant treasurer, shall file with the filing officer verified statements setting forth the terms of such loans and the conditions for repayment. An additional report shall be filed within five days after repayment of the loan or loans" after "loan".
10. On page 11, line 2, insert ", and the full name and mailing address of each person who purchased tickets for each dinner, luncheon, rally, or other fund raising event in an amount in excess of one hundred dollars" after "materials".
11. On page 12, strike "the" and insert "each" and after "deadline" insert "set forth in section 7 of this act".
12. On page 13, line 19, strike "treasurer" and insert "candidate, treasurer, or assistant treasurer".

13. On page 14, line 18, insert "a candidate or" after "that", and after "treasurer" insert "or assistant treasurer"; at the end of line 18, insert ", or other person required by section 5 of this act to keep an account,"; in line 22, insert "upon investigation and with reasonable cause," after the comma; in line 24, strike "the treasurer" and insert "such person"; and in line 25, strike "treasurer" and insert "person".

14. On page 15, line 9 insert ", after investigation and with reasonable cause," after "General"; and strike beginning with "(a)" in line 20 through the semicolon in line 24 and redesignate subdivisions (b) and (c) as subdivisions (a) and (b).

15. On page 16, line 1 strike "; or (d) that any other" and insert "within five days after he shall receive written notice from the filing officer requesting him to file such statement;"; strike lines 2 to 6; and at the end of line 24 insert "after investigation and with reasonable cause,".

16. On page 18, line 3 insert "civil" after "other"; in line 4 strike "whatever"; and at the end of line 7 insert ", except as provided in section 14 of this act,".

17. Strike section 15 and renumber sections 16 to 20 as sections 15 to 19 respectively.

18. On page 20, line 17 strike "of" and insert "or".

19. On page 21, line 5 insert ", but such limitation shall not apply to contributions to political parties" after "contributions"; in line 14 after "person" insert "during the time such person has an application pending for any state license, permit, or charter or by any person"; and in lines 21 and 22 strike "the later of (1) the completion of performance thereunder, or (2)".

20. On page 22, in lines 18 and 19 strike "or any principal of such lobbyist"; and in line 22 strike "six" and insert "two".

21. On page 22 after line 27 insert a new section as follows:

"Sec. 20. Any lobbyist who has been registered with the Clerk of the Legislature within the last two years, shall file in the office of the Secretary of State a written statement reporting all campaign contributions made to any legislator or other state official. Such statements shall include all direct or indirect actions taken by such lobbyist that would contribute to financing such an official's campaign. Whoever violates any of the provisions of this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not less than five hundred dollars. The Secretary of State shall promulgate such rules and regulations as shall be necessary to carry out the provisions of this section.".

22. On page 23, line 13 strike "three" and insert "five"; strike lines 14 and 15 and insert "hundred dollars."; and in line 16 strike "six" and insert "ten".

23. On page 24, line 1 strike "five" and insert "fourteen"; and in line 5 insert a period after "made" and strike the rest of the sentence.

24. Strike section 23 and renumber sections 24 to 30 as sections 22 to 29 respectively.

Mr. Warner moved the adoption of his amendments through No. 18. The amendments were adopted.

Mr. Carpenter moved to indefinitely postpone LB 267.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now cease?" The question is, "Shall the debate now cease?" The motion prevailed with 25 ayes, 0 nays and 24 not voting.

The Carpenter motion to indefinitely postpone lost with 13 ayes, 18 nays and 18 not voting.

Mr. Warner offered the following amendment which was adopted:

Strike in the original bill Sections 17, 18, 19, 20, 21, 22, 23 and 26.

Mr. Fellman offered the following amendments:

Section 1. For the purpose of this act, advertising, materials, or services covered by the provisions of this act shall include television, radio, newspapers, billboards, direct mailing, bumper stickers, yard signs, campaign buttons and salaries and expenses paid to campaign workers but shall not include expenses for the candidate or his workers for travel, lodging, or meals nor the expenses of a political party conducting a get-out-the vote drive for all candidates of a political party without regard to any single candidate.

Sec. 2. No candidate for the office of Governor or Lieutenant Governor in the general election of this state in 1974 shall, by himself or through any agent of agent's committee, organization, or person or persons whatsoever with the intent to promote the election of such candidate expend a sum of money nor accept donated advertising, materials, or supplies which when aggregated exceed the amount provided for in section 3 of this act.

For the purpose of this section, expenditures made on behalf of the candidate for the office of Lieutenant Governor shall for the general election of 1974 be combined with expenditures made on behalf of the candidate for the office of Governor of the same political party.

Sec. 3. In the case of the general election of 1974 or a special election called for the purpose of electing a candidate to office and other than a primary election or special primary election, a candidate for Governor and Lieutenant Governor may not expend for advertising, materials, and services a sum in excess of $100,000.00.

Sec. 4. No supplier of advertising, materials, or services shall accept an order for such advertising, materials, or services covered by the provisions of this act on behalf of a candidate until such candidate or his designated nominee or nominees has delivered to such supplier authorization for such expenditure. A candidate shall, before ordering any advertising, materials, or services, file with the Secretary of State or the county clerk or election commissioners as determined pursuant to section 32-1102, Revised Statutes Supplement, 1972, the name or names of such persons designated by such candidate who are authorized to approve such expenditure. No orders for advertising, material, or services covered by provisions of this act shall be accepted from any person on behalf of a candidate for public office covered by this act unless such person is the candidate or the person or persons designated to approve the ordering of such advertising, materials, or services.

Sec. 5. Any person who shall, on behalf of a supplier of advertising, materials, or services, provide any advertising services or supplies covered by the provisions of this act without such authorization from such person designated to grant such authorization shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not to exceed one thousand dollars or by imprisonment in the county jail for not more than one month, or by both such fine and imprisonment.

Sec. 6. Any candidate for any public office covered by the provisions of this act who shall violate the provisions of this act, directly or through a designated nominee, shall thereupon be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine equal to five times the amount of the excess expenditures, but not less than one thousand dollars.

Sec. 7. If any individual citizen believes that a violation of the provisions of this act has occurred, he may file a sworn statement to that effect including the information which he has of the violation with the board of state canvassers, provided for in section 32-4,104, Revised Statutes Supplement, 1972, by delivering same to the Secretary of State. Such individual citizen shall also file with the Secretary of State a bond in the sum of five hundred dollars guaranteeing the payment to the State of Nebraska of all sums incurred by the State of Nebraska in making an investigation of his statement if such investigation shall disclose that no violation of this act has occurred. The Secretary of State shall notify the remaining members of the board of the filing of such statement and bond. The board shall meet as soon thereafter as practicable and shall cause an investigation to be made of the alleged violation. The expenses of such investigation shall be borne by the office of the Secretary of State and shall be included in the regular appropriations of that office, but if such investigation discloses that no violation has occurred, the individual citizen filing the complaint shall reimburse the Secretary of State for all expenses incurred in making such investigation. Upon determining that such violation has occurred, the board shall file an appropriate criminal complaint with the county attorney of the county wherein the violation occurred or in which the defendant resides. If the alleged violation involves any member of the board of state canvassers, such member shall be ineligible to serve on such board for the purpose of investigating the complaint.

Sec. 8. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.

Mr. Carpenter offered the following amendment to the Fellman amendment:

Sec. 3. Allow the Lt. Governor to spend $100,000 separate from the funds of Governor.

The Carpenter amendment was adopted with 16 ayes, 8 nays and 25 not voting.

The Fellman amendments, as amended, lost with 14 ayes, 16 nays and 19 not voting.

Advanced to E & R for Review with 25 ayes, 2 nays and 22 not voting.

UNANIMOUS CONSENT–LB 267

Mr. Waldron asked unanimous consent to have the amendments to LB 267 correlated with the bill and placed on the members desks. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 585. Replaced on Select File as amended.
E & R amendment to LB 585:

1. In line 4 of E & R 1, insert "the second" after the first "strike".

LEGISLATIVE BILL 545. Replaced on Select File as amended.
E & R amendments to LB 545:

1. Pursuant to the Cavanaugh amendment of 5/11/73, insert a new section to read:

"Sec. 2. If any part of section 1 of this act shall be declared invalid or unconstitutional, such declaration of invalidity shall not affect the validity of the remaining portions thereof.".

2. Renumber original section 2 as section 3.
3. In the title, line 3, insert "; to provide severability" immediately after "prescribed".

LEGISLATIVE BILL 557. Placed on Select File as amended.
E & R amendments to LB 557:

1. On page 6, line 27, and page 7, line 2, insert "being elected" after "votes".
2. On page 7, line 21, strike the comma and show as stricken.
3. In standing committee amendment 1, strike "and" and insert "or".
4. On page 9, line 5, strike "79-705." and insert "~~79-705~~." and after the first "a" insert "school board or"; in line 13 strike "as follows: A" and insert "initiated by the filing of a"; strike lines 19 and 20 and insert "be recalled within the ward in the same manner."; strike the sentence beginning in line 21; and in line 27 strike "in" and insert "on" and insert "those of" after "be".
5. On page 10, line 6, insert an underscored comma after "him"; in line 11 insert "or election commissioner" after "clerk"; at the end of line 16 insert "or election commissioner's"; and in lines 21 and 23 strike "petitions" and insert "petition".
6. On page 11, line 1, strike "the clerk" and insert "he"; in line 2 strike "supplements if there be a supplement," and insert "any supplement"; in line 3 insert "school board or" after "the"; strike "of education" in lines 4, 8 and 9, 15 and 16, 19 and 20, and 21; in lines 14 and 15 strike "the publication" and insert ", public"; in line 15 strike "made" and insert "given" and insert an underscored comma after "board"; in lines 17 and 18 strike "naming" and insert "the name of"; in line 17 insert "sought" after "incumbent"; in line 21 insert an underscored comma after "consolidated"; in line 25 strike "made" and insert "published"; and in line 27 strike "and" and insert ", but".

7. On page 12, line 2, strike "school"; in lines 2 and 3 strike "of education"; insert an underscored comma after "removed" and "qualified" in line 14 and "election" in line 17; in line 16 strike "removal"; in line 18 strike ", at such election,"; strike the comma in line 20; in line 21 strike "deemed"; and in line 24 strike ", as by law provided," and insert "as provided by law".

8. On page 13, line 4, strike "school"; insert an underscored comma at the end of line 5 and after "boards" in line 6; and in line 9 strike "of education" and "recall".

9. On page 3, line 2, insert ", as amended by section 1, Legislative Bill 402, Eighty-third Legislature, First Session, 1973" after "1943"; and in line 4 strike "There" and insert "Except as provided in section 2 of ~~this act~~ Legislative Bill 402, Eighty-third Legislature, First Session, 1973, there".

10. On page 15, line 11, strike "79-311,"; in line 13 strike "and" and the third comma; and in line 14 insert ", and section 79-311, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 402, Eighty-third Legislature, First Session, 1973" after "1972".

11. In the title, line 2, strike "79-311,"; in line 4 strike "and" and strike the third comma and insert "and"; in line 5 strike "and 79-2620,"; in line 6 insert ", and section 79-311, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 402, Eighty-third Legislature, First Session, 1973" after "1972"; and strike beginning with "provide" in line 6 through line 17 and insert "harmonize with other legislation; to provide terms for board members of new districts; to change residency requirements; to provide for recall of board members; and to repeal the original sections.".

LEGISLATIVE BILL 558. Placed on Select File as amended. E & R amendments to LB 558:

1. In standing committee amendment 1, line 2, strike "those"; and in lines 3 and 4 strike "district" and insert "ward".

2. In the title, line 5, insert "either a ward or" after "on".

LEGISLATIVE BILL 560. Placed on Select File as amended. E & R amendment to LB 560:

1. In the title, lines 4 and 5, strike "remove qualifications of registered voters" and insert "harmonize with previous legislation".

LEGISLATIVE BILL 561. Placed on Select File as amended.
E & R amendments to LB 561:

1. On page 6, line 4, insert an underscored comma after "primary"; in line 4, strike "will" and insert "shall"; in line 5, strike "made as provided in Chapter 32" and insert "given"; and in line 6, insert "as provided in Chapter 32" after "commissioner".
2. On page 9, insert "and clerks" at the end of line 25; and in line 26, strike ", with the clerks of election" and show as stricken.
3. On page 12, line 13, strike the comma and show as stricken.
4. On page 14, insert an underscored comma at the end of line 12.
5. On page 15, lines 19 and 20, strike "Revised Statutes Supplement, 1972" and insert "Reissue Revised Statutes of Nebraska, 1943".
6. In the title, strike line 18 and insert "Reissue Revised Statutes of Nebraska, 1943.".

LEGISLATIVE BILL 365. Placed on Select File as amended.
E & R amendments to LB 365:

1. In new section 4, insert "Sec. 4." before "This".
2. In the last line of the Waldron amendment to the standing committee amendment, strike "Sec. 1." and insert "amendment 1".
3. In lieu of the Waldron amendments thereto, on page 4, line 15, page 6, line 1, and page 7, line 2, strike "five" and insert "~~five~~ ten".
4. In the title, line 9, insert "to provide an operative date;" after the semicolon.

LEGISLATIVE BILL 559. Placed on Select File as amended.
E & R amendments to LB 559:

1. On page 2, line 23, strike "32-4152" and insert "32-4,152" and strike "where" and insert "when".
2. On page 3, strike the comma in lines 3 and 20; in lines 4 and 25, strike "32-4152" and insert "32-4,152"; in line 4, strike "section" and insert "sections"; in line 14, strike "where" and insert "when"; and in line 23, strike "a vacancy will be created" and insert ", there shall be a vacancy".
3. On page 4, lines 24 and 25, strike "or from any of said causes or otherwise"; in line 26, strike "32-4152" and insert "32-4,152"; and in line 27, strike "where" and insert "when".

4. On page 5, line 7, strike "section 32-4152" and insert "sections 32-4,152".

5. On page 6, insert an underscored comma after "vote" in line 1 and "day" in line 6; and in line 2, strike "said" and insert "such".

6. Insert the new section added by the Waldron amendment as section 9 and renumber original section 9 as section 10.

7. Strike the Waldron amendments 2 and 3.

8. In new section 9, line 3, strike the comma and reinsert it after "districts"; and in line 8, strike the comma and reinsert it after "district".

9. On page 7, line 11, strike "and 17-602" and insert "17-602, and 70-624.04".

10. In the title, strike line 9 and "trustees" in line 10 and insert "in certain offices"; and in line 11, insert "to amend section 70-624.04, Reissue Revised Statutes of Nebraska, 1943; to extend provisions to employees of public utility companies;" after the semicolon.

(Signed) John J. Cavanaugh, Chairman

RESOLUTIONS

LEGISLATIVE RESOLUTION 79.

Introduced by Warner, 25th District.

WHEREAS, the citizens of the State of Nebraska and the various governmental units have historically supported and approved the principle that all persons should have available to them quality education through a public school system; and

WHEREAS, the State of Nebraska through General Fund appropriations is expending a substantial sum of money to school systems in order to provided (1) a higher standard of education, (2) a broad spectrum of educational services including special education for the physically handicapped, educable mentally handicapped, trainable mentally retarded, and the emotionally disturbed, (3) a comprehensive system of post-secondary education, both academic and vocational, and (4) local property taxation relief; and

WHEREAS, the Legislature has enacted much legislation relative to school aid which has been somewhat fragmented in providing a total concept of education systems and financial aid; and

WHEREAS, there is a need for coordination of effort between the various systems whose purposes are to provide a broad spectrum of educational opportunities; and

WHEREAS, historical precedence in legislative responsibility urges that state aid to education be inclusive of all current proven education techniques, responsive to the rights of the citizens who receive the education, and equitable in the methods of fund distribution.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislative Council appoint a committee to study:

(a) The statutory provisions governing the distribution of all state aid funds for public education;

(b) The result of the financial aid provided to the various schools relative to improving the quality of education and the reduction of local tax burden;

(c) The current financial aid and future requirements of special education with emphasis on the number of students who are receiving a special service, the estimated number of students who should receive such service, the location of the service, and trends in special education techniques; and

(d) The need for improved coordination and accountability between the various elementary, secondary, and post-secondary education systems and the Legislature.

2. That the committee report its findings with its recommendations to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 80.

Introduced by Marvel, 33rd District.

WHEREAS, all levels of government are collecting a myriad of data; and

WHEREAS, usage of data is diverse and multi-purpose; and

WHEREAS, emphasis is currently placed upon cost-benefit analysis, measurement of service units delivered, and costs incurred to provide services; and

WHEREAS, electronic data processing is being extensively utilized to collect and distribute data; and

WHEREAS, it is becoming increasingly difficult to make performance and expenditure comparison because of a lack of uniformity.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE, FIRST SESSION:

That the Executive Board of the Legislature appoint a committee to:

1. Study the need to develop principles and procedures relating to common data definition collection and reporting.

2. Create a plan for development of these procedures and principles at the state and political subdivision levels.

3. Evaluate existing means of data reporting and collection.

4. Determine feasibility of publishing a statewide data elements dictionary which would define common data components.

5. Study the feasibility of developing a method of a uniform statewide reporting of common data.

6. That the committee report its findings, recommendations and legislation to the Eighty-third Legislature, Second Session, 1974.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 81.

Introduced by Marvel, 33rd District; Simpson, 46th District.

WHEREAS, there is a necessity for uniformity in capital construction planning, designing, construction, and appropriation; and

WHEREAS, there is no established Legislative or Executive policy on standards and measurements to be used to determine efficiency in space utilization; and

WHEREAS, the maximum usage of capital facilities is desirable; and

WHEREAS, the most economic and efficient manner of constructing and renovating state buildings is preferable; and

WHEREAS, there is no statewide building inventory system; and

WHEREAS, the state does not have a manager or supervisor of all construction projects but relies on private industry.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

That a committee be appointed to:

1. Determine the feasibility to adopt standards and definitions for the development and implementation of a) an inventory system of all state facilities and b) a system to determine facility utilization.

2. Appraise the need for a state building manager whose responsibilities would include management of building projects, management of time schedules, and construction approval.

3. Discuss alternatives for appropriating capital construction funds and related performance requirements.

4. Feasibility of creating a Legislative committee to review all aspects of capital facilities, inventory, utilization, construction, and appropriations.

5. That the committee report its findings, recommendations and legislation to the Eighty-third Legislature, Second Session, 1974.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 82.

Introduced by Anderson, 37th District.

WHEREAS, adequate recreational opportunities are an integral part of the quality of life desired by all residents of Nebraska; and

WHEREAS, recent years have seen an increase in the leisure time available to the people of Nebraska; and

WHEREAS, several state agencies and departments administer recreational programs; and

WHEREAS, there is need to assess existing programs and facilities as well as the increasing needs of the state in the provision of recreation facilities and opportunities; and

WHEREAS, the development of a comprehensive recreation policy for the state would assist in the provision of needed recreation opportunities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Executive Board of the Legislative Council appoint a committee to conduct a comprehensive study of the recreational facilities and opportunities presently available in Nebraska, as well as the potential for future development.
2. That the committee report to the next regular session of the Legislature the results of its study together with its recommendations.

Referred to the Executive Board.

STANDING COMMITTEE REPORT
Judiciary

LEGISLATIVE BILL 520. Placed on General File as amended.
Standing Committee amendments to LB 520:

1. On page 2, line 20 after "accident" insert "where personal injury is involved"; in lines 20 and 21 strike "willful reckless driving, reckless driving," and insert "fleeing to avoid arrest,".
2. On page 3, line 1 after "occur." insert "These provisions shall be in addition to provisions concerning the arrest for a traffic violation with release by an officer after providing a written promise to appear or an arrest bond certificate."; in line 2 before "The" insert "The judge, court clerk, or other officer requiring security for an appearance in court shall accept the deposit of a valid Nebraska operator's license in lieu of bail in those cases where an officer is required to recognize such license as security for appearance."; and in line 3 after "may" insert "in other cases,".
3. On page 3 after line 25 insert a new section as follows:

"Sec. 4. Whenever an officer has received an operator's license under the provisions of this act, he shall deliver that license to the court where the charge is filed. Upon the appearance of the person charged on the date and the time and place designated to answer the charge against him, and upon his compliance with the judgment of the court, his license, if not suspended or revoked by the court or by the Department of Motor Vehicles, shall then be returned to him by the clerk of the court or by an authorized deputy.".

(Signed) Roland A. Luedtke, Chairman

UNANIMOUS CONSENT–Select File Bills

Mr. Carpenter asked unanimous consent to consider the Select File bills that were reported in today. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 585. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 545. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Re-engrossment.

LEGISLATIVE BILL 557. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 558. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 560. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 561. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 365. E & R amendments found in this day's Journal were adopted.

Mr. Waldron offered the following amendment, which was adopted with 26 ayes, 0 nays and 23 not voting:

Amend LB 365 to strike "1974" and insert "1975"
as effective date.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 559. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

ANNOUNCEMENT

The Clerk announced that Senator Kime had called from Rochester, Minnesota and said Mrs. Kime will enter the Methodist Hospital on Monday, May 14.

MOTION—ETV Reception

Mr. Carpenter moved that because the Nebraska ETV Network is a valuable public resource which should be available to citizens of all ages – regardless of where they live or work – and because many Nebraskans living in Omaha have difficulty in receiving the ETV Network service, be it resolved that the Nebraska ETV Commission be urged to study the reception problem with appropriate federal and state agencies and develop a plan for improvement of public television reception in Nebraska.

The motion prevailed with 27 ayes, 0 nays and 22 not voting.

UNANIMOUS CONSENT—Change of Order

Mr. Schmit asked unanimous consent to consider LB 535 on General File at this time. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 535. Title read. Considered.

Standing Committee amendments found in the Journal on page 1292 for the Sixty-Eighth Day were adopted.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

UNANIMOUS CONSENT—Change of Order

Mr. Luedtke asked unanimous consent to bracket LB 563 and LB 563A on General File for Tuesday, May 15. No objections. So ordered.

VISITORS

Mr. Marvel introduced 62 6th grade students and teachers Messrs. Berens, Meyers and Hasen from Superior Public School, Superior.

Mr. Marvel introduced 14 3rd, 4th and 5th grade students, 6 mothers and teacher Mrs. Earl Puls from Manley Public School, Manley.

Mr. Marvel introduced 22 Kindergarten through 6th grade students, 3 mothers and teachers Dona Neary, Barbara Johnson, Janice Miller and Paula Morrow from Tekamah.

Mr. Marvel introduced 8 8th grade students from Immanual Lutheran School, Osmond 3 adults and teacher Mr. Ralph Mickley.

Mr. Marvel introduced 10 8th grade students and teachers Messrs. Engel and Wessels from Peace Lutheran School, Deshler.

ADJOURNMENT

Mr. Rasmussen moved to adjourn until 8:00 a.m., Monday, May 14, 1973.

Mr. Waldron moved to amend the motion to 9:00 a.m. The amendment lost with 9 ayes, 14 nays and 26 not voting.

The Rasmussen motion prevailed with 16 ayes, 8 nays and 25 not voting. At 4:20 p.m., the Legislature adjourned until 8:00 a.m., Monday, May 14, 1973.

Vincent D. Brown
Clerk of the Legislature

EIGHTY-SECOND DAY–MAY 14, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

EIGHTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Monday, May 14, 1973

Pursuant to adjournment, the Legislature met at 8:01 a.m., President Marsh presiding.

PRAYER

The prayer was offered by the Chaplain.

> O God, prepare our hearts and minds for the business of this day that we may throughout behave with genuine courtesy and honor before our colleagues. Help us to be just and honest in all our dealings. May we listen to those who have something to say but never lose our own capacity to discriminate between right and wrong. Save us from the fallacy of depending upon our personality or ingenuity to solve our problems, and make us more willing to do the hard work that is necessary to be well informed. Since we believe Thou art the source of truth, may we listen to Thee at the beginning of this day so that at the end we may hear Thy blessing, "Well done, thou good and faithful servant." Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Kime, R. Lewis, Richendifer and Whitney who were excused; Mr. Epke who was excused until he arrives; Mr. Nore who was absent until 9:15 a.m.; and Mr. Chambers who was absent until 10:00 a.m.

CORRECTIONS FOR THE JOURNAL

Page 1634, line 24; Page 1639, line 11 and Page 1655, line 15 delete "Engrossment" and insert "Re-Engrossment.

Page 1639, line 14, delete "which were adopted".

Page 1645, line 18, insert "which was adopted" after amendment.

The Journal for the Eighty-first Day was approved as corrected.

UNANIMOUS CONSENT—Member Excused

Mr. Whitney asked unanimous consent to be excused today and tomorrow. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 299.

A BILL FOR AN ACT to amend sections 18-2101, 18-2103, and 18-2144, Reissue Revised Statutes of Nebraska, 1943, relating to the Urban Renewal and Redevelopment Law; to change the name as prescribed; to redefine terms; to give cities and villages the power and authority to create a community development agency by ordinance as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Mr. Waldron moved for a Call of the House. The motion prevailed with 22 ayes, 9 nays and 18 not voting.

The Call showed 41 members present.

Mr. Skarda moved the Call be raised. The motion prevailed with 28 ayes, 1 nay and 20 not voting.

Voting in the affirmative, 25:

Anderson
Barnett
Burbach
F. Carstens
DeCamp
Duis
Fellman
Fowler
Hasebroock
Johnson
Kelly
F. Lewis
Luedtke
Mahoney
Marsh
Moylan
Murphy
Schmit
Simpson
Snyder
Stahmer
Stromer
Waldron
Warner
Wiltse

Voting in the negative, 15:

C. Carsten
Cavanaugh
Clark
Goodrich
Kennedy
Keyes
Kremer
Maresh
Marvel
Proud
Rasmussen
Savage
Skarda
Stull
Syas

Not voting, 9:

Carpenter
Chambers
Dickinson
Epke
Kime
R. Lewis
Nore
Richendifer
Whitney

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 484. With Emergency.

A BILL FOR AN ACT to provide for the apportionment of funds to aid in defraying the state's share of participation in Public Law 92-500, the Federal Water Pollution Control Act Amendments of 1972; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Anderson Barnett Burbach Carpenter C. Carsten
F. Carstens Cavanaugh Clark DeCamp Dickinson
Duis Fellman Fowler Goodrich Hasebroock
Johnson Kelly Kennedy Keyes Kremer
F. Lewis Luedtke Mahoney Maresh Marsh
Marvel Moylan Murphy Proud Rasmussen
Savage Schmit Simpson Skarda Snyder
Stahmer Stromer Stull Syas Waldron
Warner Wiltse

Voting in the negative, 0.

Not voting, 7:

Chambers Epke Kime R. Lewis Nore
Richendifer Whitney

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION—Suspend Rules

Mr. Carpenter moved to suspend the Rules and dispense with the reading of LB 311A. The motion prevailed with 33 ayes, 0 nays and 16 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 311. With Emergency.

A BILL FOR AN ACT to amend sections 83-1,142 and 83-1,143, Reissue Revised Statutes of Nebraska, 1943, relating to the office of mental retardation; to clarify provisions; to change funding provisions; to provide for budgets; to provide for agreements; to define terms; to provide for programs, services, and mental retardation regions; to provide severability; to repeal the original sections, and also section 83-1,145, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Clark	DeCamp	Dickinson
Duis	Fellman	Fowler	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kremer
F. Lewis	Luedtke	Mahoney	Maresh	Marsh
Marvel	Moylan	Murphy	Proud	Rasmussen
Savage	Schmit	Simpson	Snyder	Stahmer
Stromer	Stull	Syas	Waldron	Warner
Wiltse				

Voting in the negative, 0.

Not voting, 8:

Chambers	Epke	Kime	R. Lewis	Nore
Richendifer	Skarda	Whitney		

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION—Return LB 311A to Select File

Mr. Stahmer moved to return LB 311A to Select File for the following specific amendment:

On page 2, line 7, after 1973, strike "Provided that the," and strike all of lines 8 through 18, inclusive.

The motion prevailed with 33 ayes, 0 nays and 16 not voting.

MOTION—LB 445 and LB 445A

Mr. F. Lewis moved to read LB 445 and LB 445A on Final Reading.

Mr. Stull moved to amend the F. Lewis motion to read all "A" bills starting with the lowest number first.

Mr. Simpson moved to amend the Stull motion to read all "A" bills on the last day of the session, or June 1, 1973.

Mr. Waldron moved to amend the Simpson motion to read May 24. The Chair ruled the Waldron amendment out of order.

Mr. Carpenter moved the previous question. The question is, "Shall the debate now cease?" The motion prevailed with 26 ayes, 0 nays and 23 not voting.

The Simpson amendment to the Stull amendment lost with 16 ayes, 21 nays and 12 not voting.

The Stull amendment to the F. Lewis motion lost with 12 ayes, 24 nays and 13 not voting.

Mr. Waldron requested a record vote on the F. Lewis motion.

Voting in the affirmative, 26:

Anderson
Barnett
Carpenter
F. Carstens
Cavanaugh
DeCamp
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Keyes
F. Lewis
Luedtke
Mahoney
Maresh
Marsh
Moylan
Proud
Savage
Schmit
Simpson
Skarda
Stahmer
Syas
Waldron

Voting in the negative, 17:

Burbach
C. Carsten
Clark
Dickinson
Duis
Kelly
Kennedy
Kremer
Marvel
Murphy
Nore
Rasmussen
Snyder
Stromer
Stull
Warner
Wiltse

Not voting, 6:

Chambers
Epke
Kime
R. Lewis
Richendifer
Whitney

The motion prevailed with 26 ayes, 17 nays and 6 not voting.

MOTION–Suspend Rules

Mr. Carpenter moved to suspend the Rules to read LB 445A before LB 445 on Final Reading. The motion prevailed with 34 ayes, 2 nays and 13 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 445A.

A BILL FOR AN ACT to appropriate one million six hundred thousand dollars from the state General Fund for the period of July 1, 1973 to June 30, 1974 to the Public Employees Retirement Board, Agency No. 85 for Program 515, Public Employees Retirement, to aid in carrying out the provisions of Legislative Bill 445, Eighty-third Legislature, First Session, 1973.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Mr. F. Lewis requested a roll call vote.

Voting in the affirmative, 30:

Anderson	Barnett	Carpenter	F. Carstens	Cavanaugh
Chambers	Duis	Fellman	Fowler	Goodrich
Hasebroock	Johnson	Keyes	F. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Moylan
Nore	Proud	Savage	Schmit	Simpson
Skarda	Stahmer	Stull	Syas	Waldron

Voting in the negative, 14:

Burbach	C. Carsten	Clark	DeCamp	Dickinson
Kelly	Kennedy	Kremer	Murphy	Rasmussen
Snyder	Stromer	Warner	Wiltse	

Not voting, 5:

Epke	Kime	R. Lewis	Richendifer	Whitney

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 445. With Emergency.

A BILL FOR AN ACT to amend section 79-1522, Reissue Revised Statutes of Nebraska, 1943, relating to the school retirement system; to provide a cost-of-living increase in the service annuity; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 32:

Anderson Carpenter F. Carstens Cavanaugh Chambers
DeCamp Duis Fellman Fowler Goodrich
Hasebroock Johnson Keyes F. Lewis Luedtke
Mahoney Maresh Marsh Marvel Moylan
Nore Proud Rasmussen Savage Schmit
Simpson Skarda Stahmer Stromer Syas
Waldron Wiltse

Voting in the negative, 9:

Barnett Burbach C. Carsten Clark Dickinson
Kelly Kennedy Snyder Warner

Not voting, 8:

Epke Kime Kremer R. Lewis Murphy
Richendifer Stull Whitney

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed with the emergency clause attached, the question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 30:

Anderson Barnett Carpenter F. Carstens Cavanaugh
Chambers DeCamp Duis Fellman Fowler
Hasebroock Johnson Keyes F. Lewis Luedtke
Maresh Marsh Marvel Moylan Nore
Proud Rasmussen Schmit Simpson Stahmer
Stromer Stull Syas Waldron Wiltse

Voting in the negative, 9:

Burbach C. Carsten Clark Dickinson Kelly
Kennedy Kremer Snyder Warner

Not voting, 10:

Epke
Goodrich
Kime
R. Lewis
Mahoney
Murphy
Richendifer
Savage
Skarda
Whitney

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

MOTION–Adjournment

Mr. Kelly moved to adjourn until 9:00 a.m. Tuesday, May 15. The motion lost with 12 ayes, 26 nays and 11 not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 45. Replaced on Select File as amended.
E & R amendments to LB 45:

1. On page 28, lines 15 and 16, strike "local authorities" and insert "any local authority"; and in line 16, strike "their" and insert "its".
2. On page 36, line 27, strike "their" and insert "its".
3. On page 70, line 8, insert "any" after "or".
4. On page 41, insert "or" at the end of line 23.
5. On page 43, line 24, strike the period and insert a semicolon.
6. On page 60, line 20, strike "(f)" and insert "(e)".
7. On page 64, line 12, insert "highway" after "state".
8. In line 6 of E & R 89, strike "39-7,104" and insert "39-7,134".
9. In line 1 of E & R 87, strike "standing committee" and insert "Barnett".

LEGISLATIVE BILL 550. Replaced on Select File as amended.
E & R amendment to LB 550:

1. In standing committee amendment 5, insert "voters" at the end of line 6.

LEGISLATIVE BILL 149. Placed on Select File as amended.
E & R amendments to LB 149:

1. In section 1, line 4, insert an underscored comma after "Center".
2. In section 2, line 13, strike the semicolon and insert a colon as in the statutes; and in line 23, strike "of" and insert "to" as in the statutes.

3. In section 3, line 9, strike the second "or".

4. In section 2, line 1, insert ", as amended by section 2, Legislative Bill 248, Eighty-third Legislature First Session, 1973" after "1972"; in line 43 strike "and"; and in line 48 insert "; and (9) to pay expenses for recruitment of academic, administrative, professional, and managerial personnel" after "it".

5. In section 5, line 2, insert ", as amended by section 2, Legislative Bill 248, Eighty-third Legislature, First Session, 1973" after "1972".

6. In the title, strike lines 2 to 7 and insert:

"FOR AN ACT to amend section 85-106, Revised Statutes Supplement, 1972, as amended by section 2, Legislative Bill 248, Eighty-third Legislature, First Session, 1973, relating to the University of Nebraska; to provide the organizational structure of the university; to provide for additional officers; to establish an institute of agriculture and natural resources and provide for its organization and responsibilities; and to repeal the original section.".

Correctly Engrossed

The following bills were correctly engrossed: 162A, 228A, 341, 485, 542 and 588.

(Signed) John J. Cavanaugh, Chairman

ANNOUNCEMENT

Mr. Luedtke announced that the Judiciary Committee will meet in Executive Session on Wednesday, May 16, in Room 2227 at 1:00 p.m.

RULE CHANGE

Mr. Duis moved to amend Rule 2, Sec. 7(b) to read as follows:

(b) No member shall interrupt the business of the Legislature nor speak to another who has the floor, except when he may yield to a question. No guest will be introduced during the legislative session except dignitaries. ~~and such dignitaries shall only be introduced by the presiding officer, provided that the presiding officer can announce the presence of visiting groups or organizations at his discretion. Those individuals and groups~~ Guests not introduced may be inserted in the journal by request. No member shall use profane or abusive language when speaking to or about another member.

Referred to the Rules Committee.

UNANIMOUS CONSENT–Bracket Bills

Mr. Schmit asked unanimous consent to bracket LB 235, LB 235A and LB 254A on final reading. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 83.

Introduced by Duis, 39th District.

WHEREAS, the Eighty-third Leigslature, first session, 1973, has had the pleasure of having the floor work being broadcast by Education Television; and

WHEREAS, through the efforts of Joel Fowler and his staff, the broadcast has been exceedingly well done, thus giving the viewers a remarkable pleasure of seeing the Legislature working; and

WHEREAS, the members of the Legislature appreciate the untiring time spent in this noble enterprise.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the members of the Legislature wishes to express to Joel Fowler and his staff of workers their sincere appreciation for the efforts they have made to display to the public the workings of the Eighty-third Legislature, first session, 1973.
2. That a copy of this resolution be mailed to Joel Fowler and his staff of workers.

MR. SIMPSON PRESIDING

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 286, 315, 516, 528 and 531.

SPEAKER PROUD PRESIDING

Correctly Enrolled

The following bills were correctly enrolled: 299, 311 and 484.

(Signed) John J. Cavanaugh, Chairman

SPEAKER SIGNS

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 299, 311 and 484.

MR. SIMPSON PRESIDING

UNANIMOUS CONSENT—General File Bills

Mr. Duis asked unanimous consent to place the General File bills set for May 14th, 15th and 17th at the top of General File. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 311A. The Stahmer specific amendment found in the day's Journal was adopted with 25 ayes, 0 nays and 24 not voting.

Advanced to E & R for Re-engrossment.

UNANIMOUS CONSENT—Select File Bills

Mr. Cavanaugh asked unanimous consent to consider the bills reported in on Select File this morning. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 45. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 550. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 149. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

MOTION—Return LB 286 to Select File

Mr. Proud moved to return LB 286 to Select File for the following specific amendment:
Amend LB 286 by adding the following section:

The State of Nebraska recognizes the unborn child as a person entitled to those rights guaranteed by the Nebraska Constitution. Anyone who takes this person's life shall be penalized in proportion to the nature of the offense.

The unborn child is defined as the product of conception from the moment it is conceived to the time of its birth.

Mr. Proud asked unanimous consent to continue to speak longer than ten minutes.

Mrs. Marsh objected.

Mr. Proud moved to continue to speak longer than ten minutes. The motion prevailed.

Mr. DeCamp moved the previous question. The question is "Shall the debate now cease?" The motion prevailed with 25 ayes, 3 nays and 21 not voting.

PRESIDENT MARSH PRESIDING

Mr. Fowler requested a roll call vote on the Proud motion to return LB 286 to Select File.

Voting in the affirmative, 12:

Barnett Chambers Fowler Kelly Keyes
Kremer Maresh Marsh Moylan Proud
Savage Warner

Voting in the negative, 28:

Anderson Burbach Carpenter C. Carsten F. Carstens
Cavanaugh Clark DeCamp Dickinson Duis
Fellman Goodrich Hasebroock Johnson Kennedy
Luedtke Mahoney Marvel Murphy Nore
Rasmussen Skarda Snyder Stahmer Stromer
Stull Syas Wiltse

Not voting, 9:

Epke Kime F. Lewis R. Lewis Richendifer
Schmit Simpson Waldron Whitney

The motion lost with 12 ayes, 28 nays and 9 not voting.

MOTION—Return LB 557 to Select File

Mr. Carpenter moved to return LB 557 to Select File for the following specific amendments:

1. Insert four new sections to read:

"Section 1. That section 32-301, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-301. All state, district, county, precinct and township officers, by the Constitution and laws made elective by the people, except school district officers, other than those for a Class III district, and municipal officers in cities and villages, shall be elected at a general election.

Sec. 2. That section 32-4,147, Revised Statutes Supplement, 1972, as amended by section 51, Legislative Bill 562, Eighty-third Legislature, First Session, 1973, be amended to read as follows:

32-4,147. All municipal elections shall be held in accordance with the municpal election laws of this state as provided in Chapters 16, 17, 18, 19, and 32 as may be applicable; Provided, that the governing board of any city of the first or second class or village may by ordinance duly adopted, hold such election in accordance with the provisions of Chapter 32 if the county board consents in writing to permit joint elections. If the governing board of any city or village duly adopts an ordinance to hold its election on the day of the statewide primary in accordance with Chapter 32 after having obtained the consent of the county board, such ordinance shall be effective no later than February 1 of the year in which the first such joint election will be conducted and shall be in substantially the following form:

TITLE

Date of Municipal Election and Provisions therefor.

Be it ordained by the mayor and council of the city of .... (or the chairman and board of trustees of the village of ....).

The city (or village) of .... shall hold its municipal election for the year .... and all succeeding municipal elections on the date of the statewide primary election for the State of Nebraska. Such election shall be held in accordance with the provisions of Chapter 32. All ordinances or portions thereof inconsistent with this ordinance are hereby repealed. This ordinance shall be in force and effect from and after its passage and publication according to law.

Passed and approved this .... day of ...., 19....... in ...., Nebraska.

Signed,
....
....
Mayor or Village Board Chairman

Attest: ....
City Clerk
SEAL

If the governing board of any city of the first or second class or village adopts an ordinance to hold the municipal election on the date of the statewide primary in accordance with Chapter 32, the county clerk or election commissioner shall have the authority to deputize the city or village clerk for municipal election purposes. The following charges shall be paid to the county clerks or election commissioners for conducting the election for a municipality or school district:

MUNICIPALITY

Population	Dollars
Not more than 450	50.00
451 to 800	100.00
801 to 2000	150.00
2001 to 3000	200.00
3001 to 4000	250.00
4001 to 5000	300.00
5001 to 20,000	600.00
20,001 to 40,000	700.00
40,001 to 60,000	800.00
60,001 to 80,000	900.00
80,001 to 100,000	1,000.00;

~~CLASS III~~ SCHOOL DISTRICT

~~1001 to 25,000~~	~~200.00~~
~~25,001 to 50,000~~	~~350.00~~

Class II school district, $100.00; and
Class VI school district, $50.00.

For purposes of this section, the population of a municipality shall be determined from the most recent federal decennial census and for a school district shall be as certified by the State Department of Education.

Each village, city, and school district shall pay for having its official and sample ballots printed at the time of the statewide primary, including the publishing of the sample ballot appearing in the newspaper. In case of a special issue placed on the ballot by any municipality or school district at the time of the statewide general election the charge to such municipality or school district shall be the cost of printing the official and sample ballots and all publication costs. All payments received under this section shall be placed in the county general fund and shall be used to help defray the cost of elections.

Sec. 3. That section 32-4,148, Revised Statutes Supplement, 1972, be amended to read as follows:

32-4,148. ~~All~~ Except as provided in section 79-803, all elective municipal and school district officers shall be elected at the statewise primary election as provided in Chapter 32, or as provided in this act. The municipality and school district shall reimburse the county for their proportionate share of the cost of holding such election upon the filing with the governing bodies thereof of an itemized claim therefor.

Sec. 4. That section 32-4,151, Revised Statutes Supplement, 1972, as amended by section 52, Legislative Bill 562, Eighty-third Legislature, First Session, 1973, be amended to read as follows:

32-4,151. The municipal and school district ballots shall be received, counted, and canvassed and the results certified in the same manner as ballots for county officers or city officers. The county clerk, election commissioner, or city clerk as the case may be, shall certify the results and shall issue certificates of nomination or election to the successful candidates.".

2. Renumber original sections 1 to 6 as sections 5 to 10.

3. Insert a new section to read:

"Sec. 11. That section 79-803, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-803. (1) The board of education of a Class III district may, by resolution, provide for the election of members by school board districts or wards and thereafter the members shall be so elected; Provided, that the filing or the petition of a candidate may be by school board districts or wards and the election at large; and provided further, that such districts or wards may be altered by resolution of subsequent boards of education. If districts or wards have not been previously established, the board shall, as a part of such resolution, determine the boundaries of the districts or wards based on standards contained in subdivision (3) of section 79-426.11; Provided, that when the boundaries of districts change, the county reorganization committee, or committees, if located in more than one county, shall review for changes in districts or wards of the district.

(2) The board of education may, by resolution, provide for increasing the number of members of the board to nine. When such an increase is ordered, three additional members shall be elected at the next statewide primary election or as provided in this act. Terms of

members elected to fill the newly created positions on the board shall be two, four, or six years as may be necessary to assure that terms of three of the nine members will expire each two years, with the candidates receiving the greatest number of votes being elected for the longest terms. The board of education, in its resolution increasing the size of the board, shall specify the length of terms to be filled. The successors of such members shall be elected in the same manner as provided for other members of the board.

(3) When a newly organized district determines that it shall be governed by a board of nine members, at the first election three members shall be elected for terms of six years, three for four years, and three for two years. Thereafter, three members shall be elected every two years for terms of six years.

(4) (a) The members of the board of education shall be nominated at the statewide primary election and elected at the state general election. All procedures governing the election of such members shall be as provided in Chapter 32. The term of office of all such members shall commence on the first Thursday after the first Tuesday in January following each state general election. The first election under this subsection shall be held in 1974.

(b) (i) The term of office of any member of such board that would expire prior to the first Thursday after the first Tuesday of January, 1975, is hereby extended to such date. (ii) The term of office of any member that would expire after such date and prior to the first Thursday after the first Tuesday of January, 1977, shall be continued to such latter date. (iii) The term of office of any member that would expire after such latter date and prior to the first Thursday after the first Tuesday of January, 1979, is hereby extended to the first Thursday after the first Tuesday of January, 1979.".

4. On page 15, strike lines 11 to 15 and amendments thereto and insert:

"Sec. 12. That original sections 32-301, 79-426.19, 79-427, 79-516.06, and 79-803, Reissue Revised Statutes of Nebraska, 1943, sections 32-4,148, 79-428, and 79-705, Revised Statutes Supplement, 1972, section 79-311, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 402, Eighty-third Legislature, First Session, 1973, and sections 79-4,147 and 79-4,151, Revised Statutes Supplement, 1972, as amendmed by sections 51 and 52, respectively, Legislative

Bill 562, Eighty-third Legislature, First Session, 1973, are repealed.".

The motion prevailed with 25 ayes, 0 nays and 24 not voting.

SELECT FILE

LEGISLATIVE BILL 557. The Carpenter specific amendment found in this day's Journal was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Engrossment.

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on LB 445 on Final Reading with the emergency clause stricken.

(Signed) John Savage

UNANIMOUS CONSENT—Member Excused

Mr. F. Carstens asked unanimous consent to be excused this afternoon and tomorrow morning. No objections. So ordered.

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on May 14, 1973 at 11:05 a.m.: LB 299, LB 311 and LB 484.

(Signed) Barbara Jackson, Enrolling Clerk

GENERAL FILE

LEGISLATIVE BILL 579. Title read. Considered.

Advanced to E & R for Review with 34 ayes, 0 nays and 15 not voting.

LEGISLATIVE BILL 581. Title read. Considered.

Standing Committee amendments found in the Journal on page 1586 for the Seventy-ninth Day were adopted.

Mr. Duis offered the following amendments, which were adopted:

	Fund Distribution in Dollars			
	General (G) Fund	Cash (C) Fund	Federal (F) Fund Estimated	Total Appropriation By Program
1. Insert a new section to read: "Sec. 12. That section 37, Legislative Bill 1476, Eighty-second Legislature, Second Session, 1972, be amended to read as follows: Sec. 37. State Real Estate Commission -- Agency No. 41				
Program No. 077 -- Enforcement of Standards-Real Estate		~~155,881~~ 169,147		~~155,881~~ 169,147
Personal Services expenditures shall not exceed $85,974. The unexpended Cash Fund balances existing on June 30, 1972, are hereby reappropriated.				
For Informational Purposes only: Total Appropriations to Agency No. 41 and Fund Source		~~155,881~~ 169,147		~~155,881~~ 169,147".

2. Renumber original sections 12 to 27 as sections 13 to 28.
3. On page 50, line 11, insert "37," after the seventh comma.

Advanced to E & R for Review with 32 ayes, 0 nays and 17 not voting.

LEGISLATIVE BILL 583. Title read. Considered.

Standing Committee amendments found in the Journal on page 1587 for the Seventy-ninth Day were adopted.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

UNANIMOUS CONSENT—Member Excused

Mr. Fellman asked unanimous consent to be excused this afternoon. No objections. So ordered.

VISITORS

President Marsh introduced former Senator George Fleming from Sidney.

President Marsh introduced 110 7th grade students from St. Cecelia School, Omaha and teachers Mrs. Brown, Sister Rosamonda, Sister Marie Celine and Sister Michaela.

President Marsh introduced 57 8th grade students, 5 room mothers and teachers Sister Mary Georgiana and Sister Mary Ignatius from St. Bernadetts School, Omaha.

Mr. Simpson introduced 52 6th grade students and teachers Sister Mary McElmeel and Mrs. Van Houten from Cardinal Spellman School, Omaha.

Mr. Simpson introduced 20 8th grade students, 4 adults and teachers Father Agnellies and Mr. Vobaril from Immaculate Conception School, Omaha.

Mr. Simpson introduced 45 3rd and 4th grade students and teachers Mrs. Ruth Goodrich and Mrs. Margaret Sobolik from St. Josephs School, York.

President Marsh introduced 18 6th, 7th and 8th grade students, 3 adults and teacher Mrs. Doris Voorhees from Hall County District No. 3 School, Grand Island.

RECESS

At 11:52 a.m., on a motion by Mr. Syas, the Legislature recessed until 1:00 p.m.

AFTER RECESS

The Legislature reconvened at 1:01 p.m., President Marsh presiding.

The President declared the body at ease for lack of a quorum.

The Legislature reconvened at 1:05 p.m., President Marsh presiding.

The roll was called and all members were present except Messrs. Fellman, Kime, R. Lewis and Whitney who were excused; Judiciary Committee who were excused until they arrive; and Mr. Snyder who was absent until 2:15 p.m.

MOTION–Reconsider Action

Mr. Duis moved to reconsider action on passing of LB 445 with the emergency clause stricken. Motion pending.

UNANIMOUS CONSENT–LB 587

Mr. Carpenter asked unanimous consent to consider LB 587 on General File this afternoon. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 505. Title read. Considered.

Standing Committee amendments found in the Journal on page 1238 for the Sixty-seventh Day were adopted with 22 ayes, 3 nays and 24 not voting.

Mr. Duis offered the following amendments which were adopted with 21 ayes, 7 nays and 21 not voting:

1. On page 2, strike lines 6 to 9 and insert "Facilities."; and after line 6 insert:

"Of such funds, a total of two hundred ninety-two thousand seven hundred seventy-three dollars is appropriated to provide grants for twenty-five per cent of total eligible costs to political subdivisions which are awarded federal grants for the construction of waste water treatment facilities as provided by the Federal Water Pollution Control Act, Public Law 660.

The remainder of such funds shall be used to provide state grants for twelve and one half per cent of total eligible costs to political subdivisions which are awarded federal grants for the construction of waste water treatment facilities as provided by the Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500.".

2. Insert a new section to read:

"Sec. 2. Except as provided in section 1 of this act, all funds hereafter appropriated to the Department of Environmental Control, Agency No. 84 for Program 518, Waste Water Treatment Facilities, shall be used to provide state grants for twelve and one half per cent of total eligible costs to political subdivisions which are awarded federal grants for the construction of waste water treatment facilities as provided by the Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500.".

3. Renumber original section 2 as section 3.

Advanced to E & R for Review with 29 ayes, 4 nays and 16 not voting.

LEGISLATIVE BILL 582. Title read. Considered.

Standing Committee amendments found in the Journal on page 1586 for the Seventy-ninth Day were adopted.

Mr. Duis offered the following amendments which were adopted:

1. Insert a new section to read:

"Sec. 4. That section 39, Legislative Bill 259, Eighty-third Legislature, First Session, 1973, be amended to read as follows:

Sec. 39. State Real Estate Commission -- Agency No. 41

	Fund Distribution in Dollars			
	General (G) Fund	Cash (C) Fund	Federal (F) Fund Estimated	Total Appropriations By Program
Program No. 077 -- Enforcement of Standards-Real Estate		~~155,769~~ 184,905		~~155,769~~ 184,905
The unexpended Cash Fund balances existing on June 30, 1973, are hereby reappropriated.				
For Informational Purposes only: Total Appropriations to Agency No. 41 and Fund Source		~~155,769~~ 184,905		~~155,769~~ 184,905".

2. Renumber original sections 4 to 7 as sections 5 to 8.

3. On page 6, line 16, strike "and 24" and insert ", 24, and 39".

Mr. Carpenter offered the following amendments which were adopted:

1. Insert a new section to read:

"Sec. 5. After the effective date of this act, neither the Governor nor the Director of Administrative Services shall enter into any major new contract or modify or cancel any such contract for the acquisition, whether by purchase, lease, or lease-purchase, of any electronic data processing equipment unless a specific appropriation for that express purpose has been made by the Legislature. For purposes of this section, major contract shall mean one in which the cost to the state will exceed fifty thousand dollars in any one year.".

2. Renumber section 5 as section 6.

Advanced to E & R for Review with 29 ayes, 0 nays and 20 not voting.

LEGISLATIVE BILL 256. Title read. Considered.

Standing Committee amendments referred to on page 1586 in the Journal for the Seventy-ninth Day were adopted.

Mr. Snyder offered the following amendment which was adopted with 26 ayes, 9 nays and 14 not voting:

1. On page 9, after line 2 insert

"(5) UNIVERSITY OF NEBRASKA - OMAHA CAMPUS

(a) For the football field 274,000

The above appropriation includes: (1) Two hundred thousand dollars for the cost of installing an artificial surface, (2) forty-nine thousand dollars for lighting, and (3) twenty-five thousand dollars for the cost of bringing in additional power";

and in section 5 renumber subsections (5) to (9) as (6) to (10).

Mr. Luedtke offered the following amendment which was adopted with 19 ayes, 6 nays and 24 not voting:

1. On page 20 strike section 54 and insert the following new section:

"Sec. 54. The Department of Public Institutions is hereby authorized to develop plans and construct an adult Diagnostic and Evaluation Center with a total project cost not to exceed $2,294,250. There is hereby appropriated $138,000 from the Revenue Sharing Trust Fund for the fiscal year ending June 30, 1974, for working drawings of the Diagnostic and Evaluation Center. There is hereby appropriated $1,375,000 from the Revenue Sharing Trust Fund for fiscal year ending June 30, 1975, to begin construction of the Diagnostic and Evaluation Center. There is hereby appropriated $781,250 from the Revenue Sharing Trust Fund for fiscal year ending June 30, 1976, to complete the adult Diagnostic and Evaluation Center."

MESSAGE FROM THE GOVERNOR

May 12, 1973

The Honorable Richard F. Proud
Speaker
and Members of the Legislature
Nebraska State Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Senators:

I have today reluctantly signed into law LB 494. Although I am concerned, as you apparently are, about a need for disaster and emergency preparedness I question the broad delegation of powers granted under this act. I realize that this is a "model" bill but so was the enactment of the Life Safety code which you have now repealed.

You are aware of my feelings about the need for a strong executive. I am equally concerned, however, with checks and balances. Those may not totally exist within LB 494. There is also a danger that local control may be further eroded.

Finally, there is a substantial financial requirement placed upon state and local government in this act. There is, however, no appropriation for these purposes. This means that local governments must again raise taxes while state government must either fail to carry out its responsibility under the act or fail to perform other vital functions. We would have to take the position that until an appropriation was made for the purposes specified in the act the state will not be able to carry out those purposes.

Respectfully submitted,

(Signed) J. James Exon

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 553. Replaced on Select File as amended.

E & R amendment to LB 553:

1. In line 2 of E & R 1, strike "relating" and insert "to".

LEGISLATIVE BILL 554. Replaced on Select File as amended.
E & R amendment to LB 554:

1. On page 3, line 23, strike "numbered" and insert "book number"; and in line 24, strike "numbered" and insert "number".

LEGISLATIVE BILL 556. Replaced on Select File as amended.
E & R amendment to LB 556:

1. On page 6, line 2, insert "be" after "shall".

LEGISLATIVE BILL 558. Replaced on Select File as amended.
E & R amendment to LB 558:

1. In the title, line 7, insert "to provide for filling of vacancies;" after the semicolon.

LEGISLATIVE BILL 311A. Replaced on Select File as amended.
E & R amendment to LB 311A:

1. In lieu of the Stahmer amendment, on page 2, strike beginning with the semicolon in line 7 through "dollars" in line 17.

LEGISLATIVE BILL 562. Placed on Select File as amended.
E & R amendments to LB 562:

1. On page 3, line 24, insert an underscored comma after "vacancy".
2. On page 4, lines 1 and 2, strike "which shall be"; and in line 18, reinstate the stricken matter.
3. On page 6, line 1, insert an underscored comma after "office"; and in line 6, strike "which shall be".
4. In standing committee amendment 2, line 1, strike "members" and insert "member".
5. On page 10, line 15, strike "Such" and insert "Any such".
6. On page 13, line 14, strike "and," and insert "~~and,~~".
7. Because of standing committee amendments 7 and 8, strike the Barnett amendments to page 18, line 2, and page 19, line 12.
8. On page 21, line 2, strike "; salaries to" and insert ".~~; salaries to~~ Such salaries shall".
9. On page 23, lines 3 and 10, strike the third "the" and insert "each"; and in line 16, strike "in May".
10. On page 30, line 16, strike the second comma.

11. On page 32, line 1, page 36, line 19, and page 37, line 24, strike ", as the case may be," and show as stricken.

12. On page 38, line 26, insert an underscored comma after "canvass".

13. On page 39, line 5, strike the comma.

14. On page 40, line 6, strike the comma; and in line 7, strike the comma.

15. On page 41, line 25, strike the comma and show as stricken.

16. On page 42, line 5, strike ", as the case may be," and show as stricken; and in line 6, insert an underscored comma after "printed".

17. On page 45, line 6, strike "by imprisonment" and insert "be imprisoned".

18. On page 46, line 4, insert "each" after "of".

19. On page 53, lines 14 and 15, strike ", shall" and insert "~~,~~ shall,".

20. In standing committee amendment 17, line 2, insert "the second" after "strike".

21. On page 54, insert an underscored comma after "voided" in line 24, and "shall" and "polls" in line 26; in line 24, strike "said" and insert "such"; and in line 25, insert "the" before "total" each place.

22. On page 55, line 17, insert an underscored comma after "canvass".

23. On page 56, line 4, insert an underscored comma after "canvass"; and in line 7, strike "he was voted for" and insert "for which he was a candidate".

24. On page 60, line 18, insert an underscored comma after "Society".

25. On page 61, line 9, insert "procedure for" after "the".

26. On page 63, line 3, insert an underscored comma after "colleges".

27. On page 64, line 12, insert "the" before "State".

28. On page 66, lines 19 and 25, strike the comma and show as stricken.

29. On page 70, line 8, insert an underscored comma after "election"; and in line 20, strike "as the case may be," and show as stricken.

30. On page 71, insert an underscored comma at the end of line 3.

31. On page 73, line 18, strike "to be elected" and show as stricken.

32. On page 74, line 4, insert an underscored period after "clerk" and strike the rest of the line and through the period in line 5 and show as stricken.

33. On page 76, lines 14 and 15, strike ", as the case may be," and show as stricken.

34. On page 77, line 26, insert "district" after the first comma.

35. On page 78, lines 3 and 4, strike "community technical" and insert "technical community".

36. In standing committee amendment 22, line 2, insert "the" before "greatest"; and in line 3, insert "reside" after "question".

37. On page 79, line 2, insert "district county judges," after the second comma; in line 3, strike "county judge," and show as stricken; and in line 21, strike "; such" and insert ", which ~~; such~~".

38. On page 80, strike beginning with the comma in line 22 through the first comma in line 23, and show as stricken.

39. On page 81, line 1, strike "In case" and insert "~~In case~~ If"; strike beginning with the comma in line 1 through the comma in line 2, and show as stricken; and insert an underscored comma after "candidates" in line 16 and "President" in line 17.

40. On page 87, line 16, insert "district" after "The".

41. On page 90, strike beginning with the comma in line 14 through the comma in line 15 and show as stricken.

42. On page 91, strike beginning with the comma in line 2 through the comma in line 3 and show as stricken; in line 5, strike the comma and show as stricken; and strike beginning with the comma in line 11 through the comma in line 12 and show as stricken.

43. On page 92, line 22, and page 93, line 25, strike "where" and insert "~~where~~ when".

44. On page 93, line 6, insert an underscored comma after "If".

45. On page 98, line 8, insert an underscored blank line after the first "the".

46. On page 99, line 11, strike "legal" and insert "~~legal~~ registered".

47. On page 100, line 17, strike "legal" and insert "~~legal~~ registered"; and in line 25, strike "deemed" and insert "~~deemed~~".

48. On page 101, line 11, strike "legal" and insert "~~legal~~ registered".

49. On page 102, strike the comma in line 9 and show as stricken.

50. On page 105, lines 4 and 5, strike "(do not enclose in ballot envelope)" and show as stricken; in line 5, insert ", not enclosed in the ballot envelope," after "cover"; in line 15, strike the comma and show as stricken; and in lines 23 and 24, strike ", as the case may be," and show as stricken.

51. On page 106, line 10, insert "the" after "of"; and in line 18, strike "made" and insert "sent".

52. On page 107, lines 6 and 11, strike "disabled voter" and insert "voter disabled"; insert an underscored comma after "may" in lines 6 and 11, "election" in lines 9 and 13, and "available" in line 24; in line 18, insert "the" after "of"; and in line 21, strike "voters" and insert "voter's".

53. On page 108, line 10, strike "voters" and insert "voter's"; in line 11, strike "convicted" and insert "guilty"; and in line 13, strike "by" and insert "to".

54. In standing committee amendment 26, line 1, strike the comma.

55. On page 109, line 18, reinstate "and".

56. On page 110, line 18, strike "an" and insert "~~an~~ as".

57. On page 114, line 4, insert an underscored comma after "placed".

58. On page 116, line 22, strike ", as the case may be," and show as stricken.

59. On page 117, line 11, insert an underscored comma after "election"; in line 26, strike the comma and show as stricken; and in line 27, and page 18, line 1, strike "as the case may be," and show as stricken.

60. On page 119, lines 4 and 22, strike "where" and insert "~~where~~ when"; in line 7, insert an underscored comma after "board"; and in lines 17 and 18, strike ", such day being" and insert "on".

61. On page 120, line 4, strike ", the" and insert ". The".

62. On page 121, lines 9, 10, and 26 in all places, strike "eighteen years of age" and show as stricken and insert "of the constitutionally prescribed age of an elector"; and in line 14, insert an underscored comma after "citizen".

63. On page 122, strike the comma in line 10 and show as stricken.

64. On page 124, line 3, insert "or" after the first comma; in line 5, strike the first comma and show as stricken; strike "shall" both places in line 6, and in lines

8, 17, and 25 and show as stricken; in line 11, strike "if" and show as stricken; in line 13, insert "who" after the first comma; and in line 26, strike "every such" and strike line 27 and show as stricken.

65. On page 125, line 1, strike "deemed" and insert "~~deemed~~".

66. In new section 92, line 2, strike "law of the" and insert "laws of this"; in lines 6 and 8 strike "voters" and insert "voter's"; insert an underscored comma after "police" in lines 10 and 35, "may" in lines 14 and 18, "election" in lines 16 and 19, "to" in line 44, "ballot" in line 54, "address" in line 55, and "cast" in line 61; in line 11, strike "are to" and insert "shall"; in line 18, strike "because of his confinement"; insert "the" after "of" in lines 19, 23, and 62; in line 43, strike "if primary fill this in only" and insert "fill this blank only for a primary election"; strike the comma in line 56, and in line 60, strike "in which" and insert "when".

LEGISLATIVE BILL 111. Placed on Select File as amended.
E & R amendment to LB 111:
(Note: The Whitney, Carpenter, DeCamp, and Kelly amendments are all to the standing committee amendments.)

1. In the Kelly amendments, strike "Sec. 14" and insert "section 13".

2. All amendatory matter having been stricken therefrom by standing committee amendment 13, strike original section 5.

3. All amendatory matter having been stricken therefrom by the Carpenter and Kelly amendments, in standing committee amendments strike section 13.

4. In standing committee amendments, section 14 being duplicative of section 16, strike section 14 and renumber sections 16 and 17 as sections 12 and 13.

5. In standing committe amendments, page 9, line 5, strike "that" and insert "who"; and in line 27, strike "section 53-104" and insert "subdivision (22) of section 53-103".

6. In lieu of the standing committee and Whitney amendments thereto, on page 9, line 14, insert "in any county having a population of less than five thousand five hundred inhabitants, and $500.00 in any county having a population of five thousand five hundred inhabitants or more" before the semicolon.

7. In standing committee amendments, page 10, line 10, strike "permit" and insert "license"; and in line 17, strike the comma and show as stricken.

8. On page 11, line 21, strike "respective".

9. In lieu of the standing committee amendment thereto, on page 11, line 22, insert "This section shall not apply to a dispenser's license." at the end of the line.

10. On page 12, line 4, strike "said" and insert "such".

11. In standing committee amendments, page 24, lines 26 and 27, strike "53-160.08, and 53-1,116" and insert "and 53-160.08"; and on page 25, lines 1 and 2, strike "53-164.01, and 53-168" and insert "and 53-164.01".

12. In the title, strike lines 2 to 16 and insert:

"FOR AN ACT to amend sections 53-123.04, 53-124, 53-124.03, 53-138.02, 53-140, and 53-160.08, Reissue Revsied Statutes of Nebraska, 1943, and sections 53-103, 53-112, 53-125, 53-130, and 53-164.01, Revised Statutes Supplement, 1972, relating to alcoholic liquors; to define and redefine terms; to provide a salary increase; to provide for sales by certain bottle club licensees; to require a dispenser's license as prescribed; to provide and charge fees; to change a restriction; to provide a class of persons ineligible for a license; to restrict shipper's permits to manufacturers; to prohibit certain sales; and to repeal the original sections.".

LEGISLATIVE BILL 366. Placed on Select File as amended.
E & R amendments to LB 366:

1. The amendatory material having been stricken therefrom by standing committee amendments 4 and 5, strike sections 3 and 5.

2. Renumber original sections 4, 6, and 8 as sections 3 to 5.

3. On page 9, line 26, strike "such" and insert "any".

4. In standing committee amendment 2, line 5, strike "of time"; and in line 6, strike "schedule or amendment" and insert "schedules or amendments".

5. On page 12, line 13, strike the comma.

6. On page 2, line 2, insert ", as amended by section 1, Legislative Bill 111, Eighty-third Legislature, First Session, 1973" after "1972"; on page 4, line 3, insert ", including a wholly owned affiliate or duly authorized agent for a manufacturer" after "defined"; on page 9, after line 25, insert

"(29) Dispenser shall mean a person who handles or dispenses, whether for a price or not, alcoholic liquors within the premises of any retail licensee or bottle club licensee."; on page 9, line 26, strike "(29)" and insert "(30)"; and on page 10, line 5, strike "(30)" and insert "(31)".

7. On page 18, strike lines 8 to 11 and insert:

"Sec. 5. That original sections 53-117 and 53-175, Reissue Revised Statutes of Nebraska, 1943, and section 53-103, Revised Statutes Supplement, 1972, as amended by section 1, Legislative Bill 111, Eighty-third Legislature, First Session, 1973, are repealed.".

8. In the title, strike lines 2 to 14 and insert:

"FOR AN ACT to amend sections 53-117 and 53-175, Reissue Revised Statutes of Nebraska, 1943, and section 53-103, Revised Statutes Supplement, 1972, as amended by section 1, Legislative Bill 111, Eighty-third Legislature, First Session, 1973, relating to alcoholic liquors; to define terms; to provide additional power for the Nebraska Liquor Control Commission; to prohibit purchases except as prescribed; to prohibit sales below cost; and to repeal the original sections.".

(Signed) John J. Cavanaugh, Chairman

UNANIMOUS CONSENT—Change of Order

Mr. Carpenter asked unanimous consent to consider the bills reported in on Select File today. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 553. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 554. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 556. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 558. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 311A. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Re-engrossment.

LEGISLATIVE BILL 562. E & R amendments found in this day's Journal were adopted.

Mr. Waldron asked unanimous consent to hold the bill over until tomorrow. No objections. So ordered.

LEGISLATIVE BILL 111. E & R amendments found in this day's Journal were adopted.

Mr. Carpenter asked unanimous consent to hold the bill over until tomorrow. No objections. So ordered.

LEGISLATIVE BILL 366. E & R amendments found in this day's Journal were adopted.

Mr. Carpenter offered the following amendments which were adopted with 27 ayes, 0 nays and 22 not voting:

Add the emergency clause and the severability clause.

Advanced to E & R for Engrossment.

MR. SIMPSON PRESIDING

GENERAL FILE

LEGISLATIVE BILL 256. Considered.

Mr. Luedtke offered the following amendment which was adopted with 16 ayes, 10 nays and 23 not voting:

1. On pages 19 and 20 strike section 53 and insert the following:

"Sec. 53. The Department of Public Institutions is hereby authorized to construct a Medium Minimum Correctional facility in the Lincoln Area with a total project cost not to exceed $5,610,000. There is hereby appropriated $500,000 from the Revenue Sharing Trust Fund for the fiscal year ending June 30, 1974, for a detailed program statement, construction plans, and initial construction of the Medium Minimum Correctional facility project in the Lincoln area. There is hereby appropriated $3,200,000 from the Revenue Sharing Trust Fund for the fiscal year ending June 30, 1975, for obligations and expenditures to continue construction of the Medium Minimum Correctional facility building project in the Lincoln area. There is hereby appropriated $1,910,000 from the Revenue Sharing Trust Fund for the fiscal year ending June 30, 1976, for the obligations and expenditures to complete the Medium Minimum Correctional facility in the Lincoln area."

Mr. Mahoney offered the following amendment:

1. Add a new section as follows:

"Sec. . The Department of Public Institutions is hereby authorized to construct in the Omaha Area a Medium Minimum Correctional facility with a total project cost not to exceed $4,900,000. There is hereby appropriated $500,000 from the Revenue Sharing Trust Fund for the fiscal year ending June 30, 1974, for a detailed program statement, construction plans, and initial construction of the Medium Minimum Correctional facility project. There is hereby appropriated $3,200,000 from the Revenue Sharing Trust Fund for the fiscal year ending June 30, 1975, for obligations and expenditures to continue construction of the Medium Minimum Correctional facility building project. There is hereby appropriated $1,200,000 from the Revenue Sharing Trust Fund for the fiscal year ending June 30, 1976, for the obligations and expenditures to complete the Omaha Area Medium Minimum Correctional facility."

PRESIDENT MARSH PRESIDING

Amendment pending.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 583A. By Marvel, 33rd District.

A BILL FOR AN ACT to amend section 18, Legislative Bill 259, Eighty-third Legislature, First Session, 1973, relating to appropriations; to remove a restriction on cash fund expenditures for the Department of Health, Program No. 621; to repeal the original section; and to declare an emergency.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 45, 358, 538 and 585.

(Signed) John J. Cavanaugh, Chairman

MOTION–Adjournment

Mr. Proud moved to adjourn until 9:00 a.m.

Mr. Waldron moved to amend the motion to adjourn after we finish LB 256 on General File. The amendment was adopted with 22 ayes, 10 nays and 7 not voting.

GENERAL FILE

LEGISLATIVE BILL 256. Considered.

The Mahoney pending amendment found in this day's Journal was adopted with 20 ayes, 6 nays and 23 not voting.

Mr. Proud moved to indefinitely postpone LB 256.

Mr. Chambers moved the previous question. The question is, "Shall the debate now cease?" The motion prevailed with 28 ayes, 0 nays and 21 not voting.

Mr. Proud requested a record vote on the motion to indefinitely postpone.

Voting in the affirmative, 9:

Clark	Dickinson	Epke	Kelly	Kennedy
Kremer	Nore	Proud	Rasmussen	

Voting in the negative, 28:

Anderson	Barnett	Burbach	Carpenter	Cavanaugh
Chambers	DeCamp	Duis	Fowler	Goodrich
Hasebroock	Johnson	F. Lewis	Luedtke	Mahoney
Marsh	Marvel	Moylan	Murphy	Savage
Snyder	Stahmer	Stromer	Stull	Syas
Waldron	Warner	Wiltse		

Not voting, 12:

C. Carsten	F. Carstens	Fellman	Keyes	Kime
R. Lewis	Maresh	Richendifer	Schmit	Simpson
Skarda	Whitney			

The motion lost with 9 ayes, 28 nays and 12 not voting.

UNANIMOUS CONSENT—Members Excused

Messrs. Maresh, Kremer and Marvel asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 256.

Mr. Burbach offered the following amendment which was adopted:

Add a new section as follows:

"There is hereby appropriated to the Department of Roads $867,300 from the Revenue Sharing Trust Fund for fiscal year 1973-74 to provide supplementary funds for the construction of additional recreational area access roads."

Mr. DeCamp offered the following amendment which was adopted with 16 ayes, 3 nays and 30 not voting:

1. Add a new section as follows:

"Sec. . The Nebraska Historical Society is hereby authorized to construct a Flood Control Structure and Levee System for the protection, development, and preservation of Neligh Mill Historical Site and surrounding area, with a total project cost not to exceed $35,000. There is hereby appropriated $25,000 from the Nebraska Capital Construction Fund for the fiscal year ending June 30, 1974, for the construction of the Flood Control Structure. There is further appropriated any local funds, contributions, and federal funds that are available for the project."

Mr. Stull offered the following amendment which was adopted with 12 ayes, 5 nays and 32 not voting:

That $100,000 be added in sec. 27, page 10.

Mr. Burbach offered the following amendment:

Add a new section as follows:

"There is hereby appropriated to the Department of Roads $137,500 from the General Fund for the fiscal year 1973-74 for the construction of Federal Aid Secondary Route 417 in Dixon County from the Concord Experimental Station east to Highway 9. In addition to this appropriation, any federal funds, local tax funds, highway trust funds, and private donations available for the construction of the project are hereby appropriated."

The amendment lost with 12 ayes, 12 nays and 25 not voting.

Mr. Carpenter offered the following amendment which was adopted with 12 ayes, 10 nays and 27 not voting:

After line 9, insert "$50,000.00 Lake Minatare" for Capitol Construction.

Mr. Waldron offered the following amendment which was adopted with 18 ayes, 5 nays and 26 not voting:

1. Add a new section as follows:

"Sec. . The University of Nebraska – Sandhills Agricultural Laboratory is hereby authorized to purchase land (Smith Ranch) with a total project cost not to exceed $180,000. There is hereby appropriated $180,000 from the Revenue Sharing Trust Fund for the fiscal year ending June 30, 1974, for the purchase of land."

Mr. Carpenter offered the following amendment which was adopted with 14 ayes, 4 nays and 31 not voting:

1. Add the following new sections:

"Sec. . The University of Nebraska Scottsbluff Experimental Station – Scottsbluff is hereby authorized to construct a Plant Science Research and Environmental Control Building, with a total project cost not to exceed $200,000. There is hereby appropriated $200,000 from the Revenue Sharing Trust Fund for the fiscal year ending June 30, 1974, for the Plant Science Research and Environmental Control Building.

Sec. . The University of Nebraska Scottsbluff Experimental Station – Scottsbluff is hereby authorized to construct a Research Equipment Development and Farm Machinery Repair and Maintenance Building, with a total project cost not to exceed $100,000. There is hereby appropriated $100,000 from the Revenue Sharing Trust Fund for the fiscal year ending June 30, 1974, for the Research Equipment Development and Farm Machinery Repair and Maintenance Building.

Sec. . The University of Nebraska is hereby authorized to purchase five-hundred acres of new research land at the Scottsbluff Experimental Station – Scottsbluff with a total project cost not to exceed $400,000. There is hereby appropriated $150,000 from the Revenue Sharing Trust Fund for the fiscal year ending June 30, 1974, for the purchase of land at the Scottsbluff Experimental Station – Scottsbluff. There is hereby appropriated $150,000 from the Revenue Sharing Trust Fund for the fiscal year ending June 30, 1975, for the purchase of land at the Scottsbluff Experimental Station – Scottsbluff. There is hereby appropriated $100,000 from the Revenue Sharing Trust Fund for the fiscal year ending June 30, 1976, for the purchase of land at the Scottsbluff Experimental Station – Scottsbluff.

Sec. . The University of Nebraska Scottsbluff Experimental Station – Scottsbluff is hereby authorized to install a modern irrigation system with a total project cost not to exceed $100,000. There is hereby appropriated $100,000 from the Revenue Sharing Trust Fund for the fiscal year ending June 30, 1974, for the installation of the irrigation system.

Sec. . The University of Nebraska Scottsbluff Experimental Station – Scottsbluff is hereby authorized to install bunker silos with a total cost not to exceed $20,000. There is hereby appropriated $20,000 from the Revenue Sharing Trust Fund for the fiscal year ending June 30, 1974, for the installation of bunker silos.

Sec. . The University of Nebraska is hereby authorized to replace the boiler and heating system in the headquarters building at the Scottsbluff Experimental Station – Scottsbluff with a total project cost not to exceed $25,000. There is hereby appropriated $25,000 from the Revenue Sharing Trust Fund for the fiscal year ending June 30, 1974, for the replacement of the boiler and heating system.

Sec. . The University of Nebraska Scottsbluff Experimental Station – Scottsbluff is hereby authorized to renovate domestic housing with a total project cost not to exceed $35,000. There is hereby appropriated $35,000 from the Revenue Sharing Trust Fund for the fiscal year ending June 30, 1974, for the necessary renovation."

Mr. Chambers offered the following amendment which was adopted with 13 ayes, 4 nays and 32 not voting:

1. Add a new section as follows:

"Sec. . The Department of Public Institutions - York Reformatory for Women is hereby authorized to construct a diagnostic center and cottage with a total project cost not to exceed $278,800. There is hereby appropriated $278,800 from the Revenue Sharing Trust Fund for the fiscal year ending June 30, 1974, for the construction of a diagnostic center and cottage and related utilities."

Mr. Keyes offered the following amendment:

To add a new section to LB 265 as amended, to appropriate 3 million to the Department of Roads to pave the Harrison street from Platte River to the Missouri River.

The amendment lost with 7 ayes, 14 nays and 28 not voting.

UNANIMOUS CONSENT–Member Excused

Mr. Epke asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 256. Mr. DeCamp offered the following amendment:

Strike all previously adopted amendments to LB 256 except the Standing Committee amendments.

Mr. DeCamp moved for a Call of the House. The motion lost with 16 ayes, 16 nays and 17 not voting.

The DeCamp amendment lost with 15 ayes, 15 nays and 19 not voting.

Mr. Carpenter moved to advance LB 256 to E & R for Review.

Mr. Waldron moved for a Call of the House. The motion prevailed with 19 ayes, 9 nays and 21 not voting.

The Call showed 33 members present.

Mr. Carpenter requested a roll call vote on the advancement of LB 256.

Voting in the affirmative, 22:

Barnett
Burbach
Carpenter
Cavanaugh
Chambers
DeCamp
Duis
Fowler
Hasebroock
Johnson
Kelly
F. Lewis
Luedtke
Mahoney
Moylan
Savage
Simpson
Snyder
Stull
Syas
Waldron
Wiltse

Voting in the negative, 11:

Anderson
C. Carsten
Clark
Dickinson
Goodrich
Kennedy
Marsh
Murphy
Rasmussen
Stromer
Warner

Not voting, 16:

F. Carstens
Epke
Fellman
Keyes
Kime
Kremer
R. Lewis
Maresh
Marvel
Nore
Proud
Richendifer
Schmit
Skarda
Stahmer
Whitney

LB 256 failed to advance to E & R for Review with 22 ayes, 11 nays and 16 not voting.

Mr. Carpenter moved the Call be raised. The motion prevailed with 32 ayes, 0 nays and 17 not voting.

UNANIMOUS CONSENT—Withdraw Motion

Mr. Duis asked unanimous consent to withdraw his pending motion found in this Day's Journal to reconsider action on LB 445 on Final Reading. No objections. So ordered.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: LB 445 and LB 445A.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following: LB 445 and LB 445A.

VISITORS

President Marsh introduced 60 8th grade students, 4 adults and teacher Mr. C. J. Tillman from Wahoo Junior High School, Wahoo.

President Marsh introduced 38 High School students, 2 adults and teacher Mrs. Hutton from Southeast Consolidated School, Stella.

ADJOURNMENT

Mr. Savage moved to adjourn until 9:00 a.m.

Mr. Carpenter moved to amend the motion to 8:00 a.m. The amendment prevailed with 20 ayes, 5 nays and 24 not voting.

At 5:02 p.m., the Legislature adjourned until 8:00 a.m., Tuesday, May 15, 1973.

Vincent D. Brown
Clerk of the Legislature

EIGHTY-THIRD DAY—MAY 15, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

EIGHTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 15, 1973

Pursuant to adjournment, the Legislature met at 8:02 a.m., President Marsh presiding.

PRAYER

The prayer was offered by the Chaplain.

> In this, the day that the Lord hath made, help us to appreciate its beauty and to use aright its opportunities.
>
> Deliver us from the tyranny of trifles during these closing days of the Legislature. May we give our best thought and attention to what is important, that we may continue to accomplish those things which are worth while. Teach us how to listen to the prompting of Thy spirit, and thus save us from floundering in indecision that wastes time, subtracts from our peace, divides our efficiency, and multiplies our troubles. In the name of Christ. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. R. Lewis, Kime and Whitney who were excused; Messrs. Fellman and F. Lewis who were excused until they arrive; Mr. Chambers who was absent.

CORRECTIONS FOR THE JOURNAL

Page 1667, line 34, insert: "While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: LB 299, LB 311 and LB 484."

Page 1674, delete line 11 and insert "(Signed) John Savage".

The Journal for the Eighty-second Day was approved as corrected.

SELECT FILE

LEGISLATIVE BILL 562. Mr. Carpenter offered the following amendments which were adopted with 26 ayes, 0 nays and 23 not voting:

Line 21--Strike "upon request" and add "within 30 days after each election,".

Line 24--Add a period "." after "measure" and strike the remainder of lines 24, 25 and 26.

Laid over at the request of Mr. Waldron.

LEGISLATIVE BILL 111. Laid over at the request of Mr. Carpenter.

GENERAL FILE

LEGISLATIVE BILL 256. Considered.

Mr. Proud moved to reconsider action on adoption of all amendments to LB 256, excluding the Standing Committee amendments.

Mr. Proud requested a division of the question.

Mr. Waldron moved to suspend the rules to vote on the reconsideration of all the amendments in one vote. The motion prevailed with 31 ayes, 3 nays and 15 not voting.

The Proud motion to reconsider lost with 18 ayes, 25 nays and 6 not voting.

Advanced to E & R for Review with 30 ayes, 11 nays and 8 not voting.

LEGISLATIVE BILL 563. Title read. Considered.

Standing Committee amendments found in the Journal on page 1221 for the Sixty-sixth Day were adopted.

Mr. Luedtke offered the following amendment which was adopted:

Amend Section 65, line 12, page 55 by striking the period on line 15 and inserting therefore "in addition the Department of Public Institutions will transfer at no cost building number fourteen located on the Regional Center campus, Lincoln, Nebraska to the Department of Correctional Services."

Advanced to E & R for Review with 28 ayes, 2 nays and 19 not voting.

LEGISLATIVE BILL 563A. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 2 nays and 17 not voting.

LEGISLATIVE BILL 134. Title read. Considered.

Standing Committee amendments referred to in the Journal on page 1061 for the Sixtieth Day were rejected.

Mr. Cavanaugh offered the following amendments which were adopted with 27 ayes, 0 nays and 22 not voting:

1. On page 3, line 18, page 4, line 24 and page 12, line 18, strike "1974" and insert "1975".
2. On page 5 strike lines 3 through 13, strike "(3)" on line 14 and insert "(2)", reinstate the stricken matter in lines 14 through 18, and beginning with the word "may" line 18, strike the remainder of the page.
3. Strike lines 17 through 27 on page 8 and lines 1 thorugh 5 page 9 and insert "84-905. ~~Each agency shall prepare, compile and print, type or mimeograph a complete certified compilation of all rules duly adopted and in force and effect. Copies shall be made~~ Each agency shall make copies of the rules in force and effect for such agency available to all interested persons on request, at a price fixed to cover costs of publication and mailing; Provided, any such agency may furnish the same without charge, in the discretion of the agency, if funds are available. No rule shall be effective unless copies thereof are available for distribution by the agency to persons requesting the same.
4. On page 9, lines 10 and 11 strike "publication in the State Register" and insert "such rule has been filed with the Revisor of Regulations".
5. Strike sections 6 and 7 and renumber sections 8, 9 and 10 as 6, 7 and 8 respectively.
6. Strike lines 19 through 27 on page 11 and lines 1 through 8 on page 12.
7. Strike sections 11 through 14 and renumber section 15 as section 9.
8. On page 15, line 22 and in the title, after "84-905" insert "and" and strike "84-907, and 84-909".

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 275. Considered.

Mr. Mahoney asked unanimous consent to withdraw his pending amendment found in the Journal on page 1642 for the Eighty-first Day. No objections. So ordered.

Mr. Carpenter asked unanimous consent to withdraw all of his pending amendments found in the Journal on pages 1641 and 1642 for the Eighty-first Day. No objections. So ordered.

Mr. Goodrich offered the following amendment:

1. Strike original sections 1 and 2, all amendments thereto, and insert the following:

"Section 1. That section 85-107, Revised Statutes Supplement, 1972, be amended to read as follows:

85-107. The University of Nebraska may embrace the following colleges: (1) ~~A~~ Graduate ~~College~~; (2) ~~a College of~~ Arts and Sciences; (3) ~~a College~~ Institute of Agriculture, ~~which may include a School of~~ Natural Resources, and Rural Development; (4) Veterinary Medicine and Surgery; ~~(4)~~ (5) ~~a College of~~ Home Economics; ~~(5)~~ (6) ~~a College of~~ Engineering and ~~Architecture~~ Technology; ~~(6)~~ (7) A Teachers~~'~~, ~~College~~ or Education, as may be provided; ~~(7)~~ (8) ~~a College of~~ Law; ~~(8)~~ (9) ~~a College of~~ Medicine; (10) Rural Health and related subjects; ~~(9)~~ (11) ~~a College of~~ Pharmacy; ~~(10)~~ (12) ~~a College of~~ Dentistry; ~~(11)~~ (13) ~~a College of~~ Business Administration; ~~and (12)~~ (14) ~~a College of~~ Nursing; (15) Continuing Studies; (16) Architecture; (17) Public Affairs and Community Service; and (18) University College.

Commencing with the fall semester of 1975, the University of Nebraska-Lincoln School of Journalism shall have the authority to award graduate degrees and shall establish a supporting graduate-level curriculum, including but not limited to television, radio, communications, and affiliated subjects."

Sec. 2. That original section 85-107, Revised Statutes Supplement, 1972, is repealed.".

Mr. Stahmer moved the previous question. The question is, "Shall the debate now cease?" The motion prevailed with 27 ayes, 0 nays and 22 not voting.

The Goodrich amendment was adopted with 17 ayes, 6 nays and 26 not voting.

Advanced to E & R for Review with 25 ayes, 7 nays and 17 not voting.

UNANIMOUS CONSENT—Change of Order

Mr. Stull asked unanimous consent to consider LB 587 on General File after LB 533. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 533. Title read. Considered.

MR. SIMPSON PRESIDING

Mr. Warner offered the following amendment in lieu of the Standing Committee amendments:

1. On page 14, line 1 strike "Payment" and insert "Payment The distribution of state funds"; in lines 11 to 14 strike the new matter and reinstate the old matter; in line 16 after the period insert "No appropriation of state funds shall be made to any technical community college area whose mill levy is less than one mill. Such tax shall be levied, assessed, and entered on the books of the county treasurers and the proceeds of such tax as collected, shall be remitted to the treasurer of the technical community college area not less than once each month.".

The Warner amendment was adopted and the Standing Committee amendments found in the Journal on page 1113 for the Sixty-second Day were rejected.

Mr. Warner offered the following amendments which were adopted:

1. On page 8, line 11, strike beginning with "The" to the period in line 16 and show as stricken and insert:

"Within thirty days after the effective date of this act the Governor shall appoint a new technical community college board for each technical community college area. Such appointments shall be made so as to guarantee equal representation for all of the people in each area. The Governor may appoint members now serving on any area board to continue such service if such area will thereby be provided with adequate representation. The present area board shall serve until their successors are appointed by the Governor. The members of each area board appointed by the Governor, shall serve until their successors are elected and qualified at the first state general election after the establishment of their area.".

2. On page 10, lines 26 and 27 strike "its appointment," and insert "~~its appointment,~~ new members are appointed".

3. On page 13, lines 26 and 27 strike "to the state board for distribution" and show as stricken.

Mr. Warner offered the following amendments:

1. On page 2, line 4, reinstate the old matter; and in line 5 strike "five".

2. On page 2, strike beginning with "(1)" in line 6 through the period in line 9 on page 3 showing all the old and stricken matter as stricken and on page 3, after line 9 insert:

"(1) The Western Nebraska Technical Community College Area shall consist of the following counties: Sioux, Daws, Sheridan, Box Butte, Scotts Bluff, Banner, Kimball, Morrill, Cheyenne, Garden, Deuel, and Grant;

(2) The Mid-Plains Nebraska Technical Community College Area shall consist of the following counties: Cherry, Hooker, Thomas, Blaine, Loup, Arthur, McPherson, Logan, Custer, Keith, Lincoln, Perkins, Chase, Hayes, Frontier, Dundy, Hitchcock, and Red Willow;

(3) The Northeast Technical Community College Area shall consist of the following counties: Keya Paha, Brown, Rock, Boyd, Holt, Garfield, Wheeler, Knox, Cedar, Antelope, Pierce, Madison, Wayne, Stanton, Dixon, Dakota, Thurston, Burt, and Cuming;

(4) The Central Nebraska Technical Community College Area shall consist of the following counties: Valley, Greeley, Boone, Platte, Colfax, Sherman, Howard, Nance, Merrick, Polk, Butler, Dawson, Buffalo, Hall, Hamilton, Gosper, Phelps, Kearney, Adams, Clay, Furnas, Harlan, Franklin, Webster, and Nuckolls;

(5) The Southeastern Nebraska Technical Community College Area shall consist of the following counties, but shall exclude all areas in such counties which are designated a part of Lincoln School District Number One: Saunders, Cass, York, Seward, Lancaster, Otoe, Fillmore, Saline, Thayer, Jefferson, Gage, Johnson, Nemaha, Pawnee, and Richardson:

(6) The Eastern Nebraska Technical Community College Area shall consist of the following counties, but shall exclude all areas in such counties which are designated a part of Omaha School District Number One: Dodge, Washington, Douglas, and Sarpy;

(7) The Omaha Technical Community College Area shall consist of all areas designated as Omaha School District Number One; and

(8) The Lincoln Technical Community College Area shall consist of all areas designated as Lincoln School District Number One.".

Mr. Stahmer offered the following amendments to the Warner amendment:

1. On page 2, line 5, strike "five" and insert "six"; in line 7 strike "Arthur, Banner, Box Butte, Chase,"; strike lines 8 to 11 up to the semicolon and insert "Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Grant, Kimball, Morrill, Scotts Bluff, Sheridan, and Sioux Counties".

2. On page 2, line 12 reinstate the stricken matter and after "Area" insert "consisting of Arthur, Chase, Cherry, Custer, Dundy, Frontier, Hayes, Hitchcock, Hooker, Keith, Lincoln, Logan, McPherson, Perkins, Red Willow, and Thomas counties".

3. Reinstate original subdivisions (3) to (5).

Mr. Clark offered the following amendment to the Stahmer amendment which was adopted:

For Western Nebraska Technical Community College Area to include Gordon School District and Hyannis School District.

Mr. Fowler moved the previous question. The question is, "Shall the debate now cease?" The motion prevailed with 28 ayes, 0 nays and 21 not voting.

The Stahmer amendment, as amended, lost with 14 ayes, 20 nays and 15 not voting.

Mr. Clark offered the following amendment to the Warner amendments which was adopted:

Amend the Warner amendment for Western Nebraska Technical Community College Area to include Gordon High School District and Hyannis High School District.

The Warner amendments were adopted, as amended, with 26 ayes, 7 nays and 16 not voting.

Mr. DeCamp offered the following amendment which was adopted:

1. On page 2, line 18, insert ", and all of Boone county except North Oakland, South Oakland, Ashland, North Branch, Shell Creek, and Midland precincts" after "counties"; in line 20, strike "Boone,"; and in line 23, insert ", and North Oakland, South Oakland, Ashland, North Branch, Shell Creek, and Midland precincts in Boone county" after "counties".

Mr. Syas offered the following amendments:

On page 8, lines 19 through 25, reinstate the stricken matter.

And on page 14, line 17 add a new section "7" – add the severability clause

Renumber the present section 7 and 8 to 8 and 9.

Mr. Warner offered the following amendment to the Syas amendment, which was adopted:

Reinstate the stricken language on page 8 lines 26 - 27 and page 9 lines 1 through 4.

The Syas amendment was adopted as amended.

PRESIDENT MARSH PRESIDING

Mr. Wiltse offered the following amendment, which was adopted:

Combine districts No. 5 and No. 8 into one district.

Mr. Clark offered the following amendment, which was adopted:

Add a new section to LB 533 as follows:

"No Junior College Board or Area Vocational School shall enter into a construction contract until after the new technical community college board is appointed by the Governor."

Mr. Warner moved to reconsider action on the adoption of the Warner amendment to the Syas amendment. The motion prevailed. The Warner amendment to the Syas amendment was stricken.

Advanced to E & R for Review with 33 ayes, 0 nays and 16 not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on May 15, 1973 at 8:55 a.m. were the following: LB 445 and LB 445A.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following resolution was correctly engrossed: LR 23; the following bills were correctly engrossed: 172, 365, 552, 553, 554, 555, 556, 558, 560 and 561.

LEGISLATIVE BILL 472. Placed on Select File as amended.
E & R amendments to LB 472:

1. Insert the new section added by the Burbach amendment as section 13; renumber sections 13 to 16 as sections 14 to 17; renumber new section 13 added by the Murphy amendment as section 18; renumber section 17 as section 19; and renumber new section 15 added by the Murphy amendment as section 20.
2. On page 1, line 24, strike the comma and insert "and".
3. On page 2, line 2, insert an underscored comma after "costs"; in line 11, insert an underscored comma after the first "education"; and insert "each" at the end of line 27.
4. On page 3, line 16, insert an underscored comma after "provide"; strike the comma in line 17; and in lines 24 and 25, insert "for each pupil" after "dollars".
5. On page 4, line 15, insert an underscored comma after "mile"; in line 16, insert "insured" after "support"; and in lines 17 and 18, strike "insured for such district".
6. On page 7, line 14, insert an underscored comma after "Education".
7. In the Burbach amendment, strike line 2; in new section 13, line 1, insert "Sec. 13." before "(1)"; in line 3, strike "who" and insert "which"; in line 4, strike the second comma; in line 8, strike "K-12" and insert "kindergarten to twelve"; and in line 11, insert "State" after "The".
8. On page 9, line 14, strike the comma; and in line 24, strike "14" and insert "15".
9. On page 10, line 1, strike "This" and insert "Sections 1 to 17 of this".
10. In the title, line 3, insert "; to amend section 79-4,102, Reissue Revised Statutes of Nebraska, 1943; to change the basis for determining the nonresident high school tuition vote;" after the semicolon; in line 7, strike "and"; and in line 8, insert "; and to repeal the original section" after "operative".

LEGISLATIVE BILL 577. Placed on Select File as amended.
E & R amendment to LB 577:

1. On page 2, line 14, strike "is".

(Signed) John J. Cavanaugh, Chairman

UNANIMOUS CONSENT–Change of Order

Mr. Schmit asked unanimous consent to consider LB 261 on General File after LB 587. No objections. So ordered.

MOTION–Return LB 545 to Select File

Mr. Cavanaugh moved to return LB 545 to Select File for the following specific amendments:

Line 6 after Personnel add: "and the merit"
Line 7 add "System Office for Merit System Agencies"
Line 12 after Personnel add: "and the Merit System Office for merit system"
Line 13 add agencies

The motion prevailed with 26 ayes, 0 nays and 23 not voting.

SELECT FILE

LEGISLATIVE BILL 545. The Cavanaugh specific amendment found in this day's Journal was adopted with 29 ayes, 0 nays and 20 not voting.

Advanced to E & R for Re-Engrossment.

UNANIMOUS CONSENT–Unbracket LB 534

Mr. Burbach asked unanimous consent to unbracket LB 534 on Select File. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 534. Mr. Burbach offered the following amendments which were adopted with 26 ayes, 1 nay and 22 not voting:

1. On page 3, lines 25 and 26 strike "five hundred" and insert "~~five hundred~~ one thousand"; in line 26 strike "one" and insert "~~one~~ ten" and before the "period" insert "for each and every misdemeanor".
2. On page 4, line 21 strike "one" and insert "~~one~~ ten".
3. On page 5, line 12 after "year;" insert: "except that storage areas defined under this act shall not include areas exclusively for the storage of livestock, poultry, fish, and fur-bearing animals before processing."; in line 14, 16, 17, 20, 21, and 25 strike "Tax Commissioner" and insert "Public Service Commission"; in line 24 strike "Department of Revenue" and

insert "State of Nebraska"; and in line 25 strike "one" and insert "ten".

4. On page 6, in lines 3, 4, 7, 9, 16 and 17, and 22 strike "Tax Commissioner" and insert "Public Service Commission"; in line 6 after "during" insert "normal"; in line 7 strike "his" and insert "its"; and in line 27 strike "Tax".
5. On page 7, line 1 strike "Commissioner" and insert "Public Service Commission"; after "by" insert "certified".
6. On page 7, strike lines 3 to 5 and insert the following: "No penalty or interest on unpaid taxes shall be assessed or collected by reason of the good-faith but erroneous claim of exemption under the provisions of Sec. 77-1226.01 prior to the effective date of this act".
7. "Sec. 4. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration of invalidity shall not affect the validity of the remaining portions thereof".
8. Renumber original section 3 as 5.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 562. Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Change of Order

Mr. Carpenter asked unanimous consent to consider the Select File bills reported in this morning. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 472. E & R amendments found in this day's Journal were adopted.

Mr. Warner offered the following amendments which were adopted with 26 ayes, 0 nays and 23 not voting:

1. On page 6, line 15, insert "information" after "budget"; and in line 17, insert "prepare its budget in strict compliance with the Nebraska Budget Act and" after "shall".
2. On page 7, line 4, strike "sections 7 and" and insert "section 7 and federal funds received under section"; at the end of line 11, insert "Any board member who votes for or otherwise participates in any violation of this section shall be subject to the penalties provided in the Nebraska Budget Act."; and strike beginning with "which" in line 14, through "act" in line 16.

3. On page 8, lines 3 and 18, strike "1975" and insert "1974"; and in line 8, strike "1974" and insert "1973".

4. On page 9, line 2, strike "1976" and insert "1975"; and strike line 16 and insert "for the immediately preceding school year.".

5. Insert a new section to read:

"Sec. 19. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration of invalidity shall not affect the validity of the remaining portions thereof.".

6. Renumber sections 19 and 20 as sections 20 and 21.

Mr. F. Lewis offered the following amendments:

Page 4, line 23, strike 5 insert 7
Page 4, line 24, strike twelve insert fourteen
Page 4, line 27, strike 5 insert 7

Mr. Kelly offered the following amendment to the F. Lewis amendment:

Amend the F. Lewis amendment to 3%.

The Kelly amendment to the F. Lewis amendment lost with 6 ayes, 24 nays and 19 not voting.

The F. Lewis amendment lost with 8 ayes, 26 nays and 15 not voting.

Mr. Goodrich offered the following amendments:

Note: In the original bill, these amendments are to Section 9 which, by Committee amendments has been renumbered Section 10.

In the Xerox copy which includes Committee amendment, this proposed amendment is to Section 10.

1. Page 4, Section 10, line 19, after the word "act." add the following: "Such budget shall include salary increases for all personnel for the ensuing school year; Provided, such increase in the base wage of teachers on the first step of an index salary schedule or other wage schedules, or salary paid by an established pay practice, or the current salary of any employee not on a schedule, shall not exceed the increase in the cost-of-living index for the previous calendar year."

2. Page 4, Section 10, line 19, after the word "year" add the following: ", including salary increases for the ensuing school year,"

3. Page 4, Section 10, line 20, strike the word "twelve" and insert "seven".

4. Page 4, Section 10, line 21, strike the word "five" and insert "three".

5. Page 4, Section 10, line 22, after the word "expense" add the following: "including salary increases for the ensuing school year,".

6. Page 4, Section 10, line 22, strike the word "five" and insert "three".

7. Page 4, Section 10, line 24, strike the word " five" and insert "three".

The amendments lost with 2 ayes, 27 nays and 20 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 577. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

MESSAGE FROM THE GOVERNOR

May 14, 1973

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Reengrossed Legislative Bill No. 449, and Engrossed Legislative Bills Nos. 454, 494, 573, and 580.

These bills were signed by me on May 12, 1973 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

GENERAL FILE

LEGISLATIVE BILL 587. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 1 nay and 21 not voting.

LEGISLATIVE BILL 526. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays and 20 not voting.

LEGISLATIVE BILL 529. Title read. Considered.

Standing Committee amendments found in the Journal on page 1057 for the Sixtieth Day were adopted.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 530. Title read. Considered.

Standing Committee amendments found in the Journal on page 1374 for the Seventieth Day were adopted.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 114. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

MOTION—Suspend Rules

Mr. Proud moved to suspend the Rules and introduce a new bill and place it directly on General File. The motion prevailed with 32 ayes, 0 nays and 17 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 589. By Proud, 12th District.

A BILL FOR AN ACT to amend section 71-193.04, Reissue Revised Statutes of Nebraska, 1943, relating to public health; to set the age qualification for dental hygiene practice at eighteen; to repeal the original section; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 589. Title read. Considered.

Advanced to E & R for Review with 32 ayes, 0 nays and 17 not voting.

LEGISLATIVE BILL 236. Title read. Considered.

Standing Committee amendments found in the Journal on page 1153 for the Sixty-fourth Day were adopted.

Advanced to E & R for Review with 26 ayes, 1 nay and 22 not voting.

UNANIMOUS CONSENT—Member Excused

Speaker Proud asked unanimous consent to be excused for the remainder of the morning. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 403. Title read. Considered.

Standing Committee amendments referred to on page 1033 of the Journal for the Sixtieth Day were rejected.

Mr. Stahmer offered the following amendments which were adopted: (Amendments printed and available separate from the Journal)

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 586. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays and 23 not voting.

LEGISLATIVE BILL 387. Title read. Considered.

Standing Committee amendment found in the Journal on page 1641 for the Eighty-first Day was adopted.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 261. Title read. Considered.

Standing Committee amendments found in the Journal on page 1181 for the Sixty-fourth Day were adopted.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

LEGISLATIVE BILL 187. Title read. Considered.

Mr. Waldron offered the following amendment to the Standing Committee amendment which was adopted:

To amend the committee amendment, Sec. 4 line five strike "the" and insert "a" after the word "county" and after "held" strike "in a central location." and insert "in the county seat of each county."

And in the committee amendment Section 1, Lines 16 and 17 delete "land for widening or straightening a road or highway;" and insert in its place, "property through the process of platting or subdivision or for street or highway construction or improvements;"

Standing Committee amendment found in the Journal on page 925 for the Fifty-fifth Day was adopted as amended.

Advanced to E & R for Review with 28 ayes, 0 nays and 21 not voting.

LEGISLATIVE BILL 306A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 378. Considered.

Standing Committee amendment found in the Journal on page 1625 for the Eighty-first Day was adopted.

Advanced to E & R for Review with 31 ayes, 0 nays and 18 not voting.

LEGISLATIVE BILL 524. Title read. Considered.

Standing Committee amendments referred to in the Journal on page 1247 for the Sixty-seventh Day were adopted.

Advanced to E & R for Review with 29 ayes, 0 nays and 20 not voting.

LEGISLATIVE BILL 400. Title read. Considered.

Standing Committee amendments found in the Journal on page 1155 for the Sixty-fourth Day were adopted.

Advanced to E & R for Review with 31 ayes, 0 nays and 18 not voting.

LEGISLATIVE BILL 127. Title read. Considered.

Standing Committee amendments referred to in the Journal on page 1113 for the Sixty-second Day were adopted with 12 ayes, 10 nays and 27 not voting.

Failed to advance to E & R for Review with 15 ayes, 10 nays and 24 not voting.

UNANIMOUS CONSENT–Member Excused

Mr. C. Carsten asked unanimous consent to be excused for the remainder of the morning session. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 87. Title read. Considered.

Standing Committee amendments found in the Journal on page 648 for the Fortieth Day were adopted.

Advanced to E & R for Review with 25 ayes, 0 nays and 24 not voting.

UNANIMOUS CONSENT—Change of Order

Mr. Waldron asked unanimous consent to take up LB 327 on General File at this time.

Mr. Murphy objected.

Mr. Waldron asked unanimous consent to bracket LB 327 on General File for tomorrow.

Mr. Simpson objected.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 559. Replaced on Select File as amended.
E & R amendments to LB 559:
1. On page 5, line 9, strike "councilmen" and insert "trustees".
2. In section 9, line 7, insert ", public power and irrigation district," after "district".

LEGISLATIVE BILL 550. Replaced on Select File as amended.
E & R amendment to LB 550:
1. In standing committee amendment 3, line 1, insert a comma after "III" as in the statutes.

LEGISLATIVE BILL 149. Replaced on Select File as amended.
E & R amendments to LB 149:
1. In section 3, line 6, insert "Division" after "Survey".
2. In line 11 of the title, as amended, insert ", and also section 72-702, Reissue Revised Statutes of Nebraska, 1943" after "section".

LEGISLATIVE BILL 311A. Replaced on Select File as amended.
E & R amendment to LB 311A:
1. In the title, strike lines 9 to 11 and insert "Session, 1973.".

LEGISLATIVE BILL 366. Replaced on Select File as amended.
E & R amendments to LB 366:
1. Insert a new section to read:

"Sec. 5. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration of invalidity shall not affect the validity of the remaining portions thereof.".

2. Renumber section 5 as section 6.

3. Add a new section to read:

"Sec. 7. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

4. In the title, as amended, line 10, strike "and" and insert "to provide severability;" and in line 11 insert "; and to declare an emergency" after "sections".

LEGISLATIVE BILL 267. Placed on Select File as amended.
E & R amendments to LB 267:

1. Renumber original sections 24 and 25 as sections 16 and 17 and original sections 27 to 30 as sections 18 to 21.

2. On page 2, strike the comma in lines 4, 15, 19, 21, and 22; and in line 11, strike "chartered" and insert "charter".

3. On page 3, line 4, strike the comma.

4. On page 7, line 21, strike the comma.

5. On page 8, line 21, strike "herein provided" and insert "provided in this section"; and in line 24, strike the comma.

6. In lieu of the Warner amendment to page 9, line 5, in line 7 insert "five days prior to each such election," after the comma.

7. On page 11, line 15, strike the second comma.

8. In the Warner amendment 11, line 1, insert "line 3," after the comma.

9. On page 12, line 7, strike "expended" and insert "made"; in lines 14 and 20, strike "all sums" and insert "every sum"; and strike the comma in lines 16 and 21.

10. On page 13, line 6, strike "papers" and insert "statements,"; and in line 22, insert "an" after "keep" and a comma after "complete".

11. On page 14, line 19, strike "such acts" and insert "the acts enumerated in subsection (1) of this section".

12. In the Warner amendment 15, line 2, strike "receive" and insert "have received"; and in line 4, strike the semicolon and insert a period.

13. On page 17, line 2, insert a comma after "instruction".

14. On page 18, line 2, strike the first "the"; and in line 25, insert a comma after "section".

15. On page 19, line 5, insert "except for perjury in the giving of such testimony" after the comma; and in line 7, insert a comma after "prosecution".

16. On page 27, insert a comma after "reproduce" in lines 2 and 26, "reproduced" in line 3, "placard" in lines 5 and 23, "allegation" in line 7, "proposition" in lines 8, 12, and 18, and "reproduction" in line 25.

17. On page 28, insert a comma after "reproduced" in line 1, "placard" in line 2, "publishing" in line 3, "city" in line 5, and the second "stickers" in line 13; and in lines 19 and 20, strike "27 to 29" and insert "18 to 20".

18. In the title, lines 2 and 3, strike "the Corrupt Practices Act" and insert "a corrupt practices act".

LEGISLATIVE BILL 535. Placed on Select File as amended.
E & R amendments to LB 535:

1. On page 2, line 18, insert a comma after "establishment".

2. On page 3, line 2, strike the comma; in line 8, strike "and"; and in line 23, insert "a" after "of".

3. On page 4, line 5, strike the comma; and in lines 13 and 15, strike "biennium" and insert "fiscal year".

4. On page 5, insert a comma at the end of line 1.

5. On page 6, line 27, strike the commas and strike "employee" and insert "employed".

6. On page 10, line 2, strike the comma.

LEGISLATIVE BILL 246. Placed on Select File as amended.
E & R amendment to LB 246:

1. In the title, strike lines 2 to 12 and insert:
"FOR AN ACT to amend sections 84-201.01, 84-206, and 84-721,
Reissue Revised Statutes of Nebraska, 1943,
relating to salaries; to increase the salaries
of certain constitutional officers; to provide
a minimum salary; and to repeal the original
sections.".

LEGISLATIVE BILL 549. Placed on Select File as amended.
E & R amendments to LB 549:

1. In the new matter added by standing committee amendment 1, lines 1, 4, and 48, insert "a city under a" after "except ; insert an underscored comma after "county" in lines 1, 4, 8, 25, 34, and 48, "ballots" in line 28, "primary" in line 30, "election" in line 32, "electorate" in line 44, and "1" in line 54; strike "their" and insert "its" in lines 2, 3, 5, 6, 9, 14, 35, and 40; strike "except home rule charter," in lines 8, 12, 25, 34, 39, and 45; in lines 16 and 17, strike "accordance to fit the election

and shall be prepared" and insert "appropriate form"; in line 20, insert "so" after "been" in lines 20 and 21, strike "with the county clerk or election commissioner"; in line 29 and lines 31 and 32, strike ", except home rule charter,"; in line 49, strike "its members" and insert "the members of its governing body"; in lines 50 and 51, strike "members may be nominated and elected from the districts having" and insert "from districts or wards bearing"; in line 53, strike "said" and insert "the"; and in lines 56 and 57, strike "expressions of the electorate through use of the ballot box" and insert "provisions of this section"; in lines 3, 5, 35, 40, and 44, insert "or ward" after "district"; and in lines 49, 50, and 52, insert "or wards" after "districts"; and in line 42 insert "or ward" after the second "district".

2. In new section 2, line 2, strike "primary" and insert "nominated at any primary election"; and in line 6, strike the first comma.

3. In the title, strike line 5 and insert "provide for elections either at large or by district or ward; to provide procedures; to provide for violations; and to repeal".

(Signed) John J. Cavanaugh, Chairman

UNANIMOUS CONSENT–Select File Bills

Mr. Burbach asked unanimous consent to consider the Select File bills reported in today. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 559. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 550. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 149. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 311A. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Re-engrossment.

LEGISLATIVE BILL 366. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 267. E & R amendment found in this day's Journal was adopted.

Mr. Warner offered the following amendment, which was adopted with 25 ayes, 0 nays and 24 not voting:

1. Amend Senator Warner's amendment adopted May 11, 1973 which struck original sections 17, 18, 19, 20, 21, 22, 23, and 26 by reinstating original sections 22 and 26.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 535. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 246. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 549. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

RESOLUTION

LEGISLATIVE RESOLUTION 84.

Introduced by Burbach, 19th District; Epke, 24th District; Skarda, 7th District; Mahoney, 5th District; C. Carsten, 2nd District; Rasmussen, 41st District; Anderson, 37th District; Keyes, 3rd District.

WHEREAS, the Midwest is presently encountering a severe shortage of all types of fuel; and

WHEREAS, at the present time such shortage can be alleviated only by a reduction in use of all types of fuel; and

WHEREAS, any loss of efficiency and production caused by the fuel shortage in any industrial or commercial area will be detrimental to the best interests of all citizens of the state; and

WHEREAS, many Nebraska farmers will be desirous of participating in the revised feed grain program of the United State Department of Agriculture which reduces the set-aside from 25% to 10%, thus allowing more flexibility in the farmers' planting decisions and the placing of more acres in production; and

WHEREAS, a fuel shortage will make it difficult, if not impossible, for farmers to take advantage of this new and more flexible program; and

WHEREAS, a fuel shortage will also have an adverse effect on transportation within the state which, in turn, will cause a slowdown in business and industry.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature strongly recommend to the citizens of Nebraska that conservation of all types of fuel is of prime importance to the general economic welfare of the entire state.

2. That, while business, industry, agriculture, and transportation in the state will be harmed by a fuel shortage, they also bear the responsibility of joining all citizens in the conservation of available fuel supplies.

3. That the following methods of conserving fuel be recommended to all citizens of the state: Efficient and reasonable use of automobiles, proper maintenance of automobiles, creation of car pools, shorter vacation trips, and travel at slower speeds.

4. That a recommendation be made to all home and building owners to maintain properly adjusted furnaces, inspect insulation to be certain of its adequacy, and reduce the use of electricity and air conditioning.

5. That all business and industry in the state follow the recommendation to use all motor vehicles in the most efficient manner possible.

6. That every citizen, irrespective of place of residence or occupation, make a strong effort to conserve all types of fuels.

7. That the Governor is hereby urged to issue an appropriate proclamation calling upon all the citizens of Nebraska to support this Resolution and work to bring about its goals.

Laid over.

VISITORS

The following guests were introduced: 53 Eighth Grade students and teachers from the Catholic S. E. Educational Center, Omaha; 21 First through Fourth Grade students and teachers from Ohiowa School, Ohiowa; 25 Eighth Grade students and their teachers from St. Joseph Grade School, Omaha; 24 Eighth Grade students and their teachers from Osmond Community School, Osmond; 37 Eighth Grade students and their teacher from Osceola Grade School, Osceola.

ADJOURNMENT

At 12:35 p.m., on a motion by Mr. Burbach, the Legislature adjourned until 9:00 a.m., Wednesday, May 16, 1973.

Vincent D. Brown
Clerk of the Legislature

EIGHTY-FOURTH DAY–MAY 16, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

EIGHTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 16, 1973

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Marsh presiding.

PRAYER

The prayer was offered by Rev. Everett F. Hezmall, Associate Pastor of Westminister Church, Lincoln.

> Teach us our Father, how to look at the things we see, and to look at them without bias or prejudice. With the truth waiting to be looked at, discovered and applied, forgive us when we refuse to look at it or to welcome it.
>
> Lord of our lives, we pray that Thou wilt fill with new meaning this sacred moment of prayer. Set our perspectives in the context of your will and purpose. Even though they be hard nosed facts that we face, let them be faced with the insight of Your spirit, knowing that human beings are far more precious than property, and peace among our fellowmen more to be desired than discontent.
>
> In this moment of solitude and deep need, release our minds so that we may be free to receive Your guidance for which we have asked. In the spirit of Jesus Christ our Lord. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Kime who was excused; Mr. Fowler who was excused until he arrives; Mr. F. Lewis who was absent until 9:45 a.m.

CORRECTIONS FOR THE JOURNAL

Page 1702, line 33, delete "17" and insert "15".
Page 1708, line 25, delete "22" and insert "20".
Page 1711, line 11, delete "22" and insert "20".
The Journal for the Eighty-third Day was approved as corrected.

UNANIMOUS CONSENT—Member Excused

Mr. Hasebroock asked unanimous consent to be excused at 10:00 a.m. this morning. No objections. So ordered.

MOTION—Final Reading

Mr. Carpenter moved to read all bills passed over earlier on Final Reading. The motion lost with 10 ayes, 23 nays and 16 not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 85.

Introduced by Carpenter, 48th District.

WHEREAS, a portion of the proceeds from the cigarette tax is transferred annually to the University of Nebraska at Lincoln Field House Fund, and additional sums have been placed in the State Board of Agriculture Improvement Fund; and

WHEREAS, these funds are dedicated to the financing of the new Field House to be located on the State Fair Grounds in Lincoln; and

WHEREAS, the 1973 Legislature has enacted LB 510 which provides for additional funds to be available for construction of the Field House, namely the interest income to be received from the investment of the Field House Fund and the Construction and Bond Funds, plus the amount in the Reserve Account established in connection with the University of Nebraska Facilities Corporation bond issue; and

WHEREAS, it is important that these additional funds, together with any private funds donated for specific facilities, be used to provide specified facilities and capabilities in connection with the proposed Field House.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION.

1. That the additional funds from interest now made available for construction of the Field House be used by the Board of Regents and the State Board of Agriculture solely to provide the following:

(1) Raising of the roof to provide additional seats in the future;

(2) a seating capacity of approximately 2,500 in the natatorium which would include spectators and participants;

(3) a seating capacity of approximately 5,000 in the track and field area with additional temporary space provided for the purpose of exhibitions;

(4) a racing pool 25 meters in length with ten 7-foot lanes, with the capability of expansion to 50 meters, and a pool depth of 6 feet; and deck space at the ends of the pool, to be 18 feet

and 12 feet;

(5) for a ceiling height above the 40 foot by 60 foot diving well, to be 16 feet at minimum depth (not sloping) from the racing pool area, no less than 45 feet with no obstruction present and which shall be for the purpose of a 10 meter diving tower;

(6) a touchpad system with a prepared cable area under the cement surface;

(7) utility line capacity to provide for ventilating and temperature control refinement;

(8) deck space between the swimming tank and the diving well of 15 feet.

II. That any private funds donated for special Field House facilities be expended only for these designated purposes.

III. That the pool area of the Field House may be used for purposes other than University sports events with the permission of the University of Nebraska.

Mr. Carpenter moved to suspend the Rules to consider LR 85 today. The motion prevailed with 30 ayes, 0 nays and 19 not voting.

MR. SIMPSON PRESIDING

Mr. Goodrich offered the following amendment to LR 85 which was adopted:

Amend LR 85, paragraph II add: "unless conditionally donated for purposes other than as stated in paragraph I."

Laid over temporarily.

ATTORNEY GENERAL'S OPINION

Opinion No. 53
May 15, 1973

Senator Ramey C. Whitney
Nebraska State Legislature
State Capitol
Lincoln, Nebraska

Dear Senator Whitney:

This is in reply to your inquiry concerning L. B. 311.

It is our opinion that subsections (2) and (3) of section 2 carry over until after July 1, 1973, and were not intended to be limited only until June 30, 1973.

The limitation in subsection (1) of section 2 of the act, as you know, limits the matching of community-based services, as therein provided, until June 30, 1973.

However, subsection (2) of said section strikes out the present requirement of distributing on a pro rata basis in proportion to "local matching" when there are not sufficient funds available and refers to when funds are "insufficent to meet the budget requirements for all agencies." Thus, the insufficiency calling for a pro rata distribution now applies to budget requirements rather than matching requirements.

Section 8 of the act creates six mental retardation regions in the State and section 3 of the act provides that said regions shall prior to July 1, 1973, and each year thereafter beginning July 1, prepare a proposed budget for the Department of Public Institutions which shall review the same, attach its recommendations and transmit them to the Director of Administrative Services. The final budget for each such region is set by the Legislature.

With the new system of retardation regions submitting budgets to the State commencing on July 1, 1973, it would appear that the changes in subsection (2) of section 2 were meant to apply after July 1 since that subsection was changed to apply to "insufficent to meet the budget requirements" rather than "requirements for matching funds."

You also ask about subsection (3) of section 2. This section was not changed and remains the same as it is in the present statute. The wording of this subsection could apply after July 1 as well as before since it relates to the use to be made of matching funds and a new method of matching funds is contained in section 5 which commences July 1, 1973.

Looking at section 2 of this bill as a whole, the limiting words "until June 30, 1973" are contained in subsection (1) but not in subsection (2) or subsection (3). It is our opinion that subsection (3) would apply after July 1 since there was no change made in the section, and there is no comparable section for the use of the matching funds after July 1 set up by section 5.

The rule of statutory construction of "expressio unius est exclusio alterius" or loosely translated "express mention and implied exclusion" could be applied here--that is, by inserting dates in so many places, this subsection was impliedly intended to continue as it exists, in our opinion.

Respectfully submitted,

CLARENCE A. H. MEYER
Attorney General

(Signed) Mel Kammerlohr
Assistant Attorney General

MK:jc

cc: Vincent D. Brown
Clerk of the Legislature

RESOLUTIONS

LEGISLATIVE RESOLUTION 84. Mr. Burbach moved to suspend the Rules to consider and adopt LR 84.

Mr. Burbach offered the following amendment to LR 84 which was adopted:

In the second paragraph after the word "shortage" insert "it appears".

PRESIDENT MARSH PRESIDING

LR 84 was adopted with 39 ayes, 0 nays and 10 not voting.

Mr. Carpenter moved that a committee be appointed by the Executive Council in regard to LR 84, who will contact in Washington, and be authorized to go to Washington, to acquire fund money support for building an alcohol refining plant through the processing of corn and other agriproducts. The motion prevailed with 33 ayes, 0 nays and 16 not voting.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 557. Replaced on Select File as amended.
E & R amendments to LB 557:

1. On page 4, line 8, strike the comma; and in line 11, insert "of" after "successful".
2. In the Carpenter amendments, page 7, lines 7 and 11, strike "state" and insert "statewide".
3. In the Carpenter amendments, page 8, lines 7 and 8, strike "79-4,147 and 79-4,151" and insert "32-4,147 and 32-4,151".
4. In the title, strike lines 2 to 17 and amendments thereto and insert:

"FOR AN ACT to amend sections 32-301, 79-426.19, 79-427, 79-516.06, and 79-803, Reissue Revised Statutes of Nebraska, 1943, sections 32-4,148, 79-428, and 79-705, Revised Statutes Supplement, 1972, section 79-311, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 402, Eighty-third Legislature, First Session, 1973, and sections 32-4,147 and 32-4,151, Revised Statutes Supplement, 1972, as amended by sections 51 and 52, respectively, Legislative Bill 562, Eighty-third Legislature, First Session, 1973, relating to elections; to harmonize with previous legislation; to provide for elections in Class III school districts; to provide terms for board members of new school districts; to change residency requirements; to provide for recall; and to repeal the original sections.".

LEGISLATIVE BILL 545. Replaced on Select File as amended.
E & R amendment to LB 545:

1. In lieu of the Cavanaugh amendments adopted 5/15/73, strike the longhand portion of the Cavanaugh amendments adopted 5/10/73 and that part of E & R 1 adopted 5/11/73 as relates to such longhand portion.

LEGISLATIVE BILL 534. Replaced on Select File as amended.
E & R amendments to LB 534:

1. On page 5, line 9, strike "Tax Commissioner" and insert "Public Service Commission".
2. In the Burbach amendment 3; line 1, insert an underscored comma before "except"; in line 2, strike "defined under this act"; and in line 4, strike the period.
3. In the Burbach amendment 5, line 2, insert "registered or" before "certified".
4. In the Burbach amendment 6, strike line 1 and insert "6. On page 7, after line 2, insert:"; supply paragraphing in line 2; in line 4, strike "Sec." and insert "section"; and in line 5, insert an underscored period after "act".
5. In line 1 of the Burbach amendment 7, insert "Insert a new section to read:" after "7."; and in line 4, insert an underscored period after "thereof".
6. In the title, line 7, insert "to increase penalties; to provide when there shall be no penalty or interest on unpaid taxes; to provide severability;" after the semicolon.

LEGISLATIVE BILL 472. Replaced on Select File as amended.
E & R amendments to LB 472:

1. Strike the Murphy amendments 3 and 4.
2. In E & R 10, line 1, strike the semicolon; and in line 4, strike "vote" and insert "rate".
3. On page 7, line 11, strike "14" and insert "15".
4. In new section 13, line 12, insert a comma after "pupil", "ratio", and "effort".
5. In the title, line 8, insert "; to provide severability" immediately after "operative".

LEGISLATIVE BILL 267. Replaced on Select File as amended.
E & R amendments to LB 267:

1. Renumber original section 22 as section 16.
2. On page 23, line 20, insert a comma after "state".
3. On page 24, reinstate the comma in line 6.
4. Renumber original sections 24 to 30 as sections 17 to 23.
5. On page 26, line 15, strike the comma; and in line 18, insert a comma after "promising" and insert "of" after "offering".
6. On page 28, lines 19 and 20 as amended, strike "18 to 20" and insert "20 to 22".

LEGISLATIVE BILL 246. Replaced on Select File as amended.
E & R amendment to LB 246:

1. In section 2, line 6, insert a comma after "appointment" as in the statutes.

LEGISLATIVE BILL 549. Replaced on Select File as amended.
E & R amendments to LB 549:

1. Insert the new matter added by the standing committee amendment at the end of line 24, page 2.
2. In the new matter added by the standing committee amendment, lines 2, 3, 5, 6, and 14, strike "board" and insert "body"; in line 9, insert "district" after "school"; insert "voters" at the end of line 27; in line 39, insert an underscored comma after "county"; in line 42, insert "or ward" after the first "district"; and in lines 35 and 40, as amended, strike "its members" and insert "the members of its governing body".

LEGISLATIVE BILL 579. Placed on Select File.

LEGISLATIVE BILL 581. Placed on Select File as amended.
E & R amendments to LB 581:

1. Renumber original section 20 as section 20; and original sections 22 to 27 as sections 21 to 26.
2. On page 13, insert "as amended by section 1, Legislative Bill 1328A, Eighty-second Legislature, Second Session, 1972," at the end of line 7.
3. On page 14, strike the stricken matter in line 2 and insert "~~911,515~~" and "~~1,186,515~~" in the General and Total columns; strike the new matter in line 3 and insert "913,368" and "1,188,368" in the General and Total columns; and strike the stricken and new matter in line 5 and insert "~~$798,735~~ $800,588".

4. On page 15, line 9, strike the stricken matter in the General and Total columns and insert "~~1,776,766~~" and "~~6,146,945~~" respectively and in line 10 strike the new matter in the General and Total columns and insert "1,778,619" and "6,194,211" respectively.

5. On page 41, line 22, strike "$45,000" and insert "~~$45,000~~ $75,000".

6. Strike standing committee amendment 5, and on page 50, line 11, strike "30,"; in line 13, strike ", 3, 5, and 9" and insert "and 5"; in line 18, strike "and"; and in line 19, insert ", and section 30, Legislative Bill 1476, Eighty-second Legislature, Second Session, 1972, as amended by section 1, Legislative Bill 1328A, Eighty-second Legislature, Second Session, 1972" after "1972".

7. In the title, line 3, strike "30, 31," and insert "31, 37,"; in line 5 insert ", and section 30, Legislative Bill 1476, Eighty-second Legislature, Second Session, 1972, as amended by section 1, Legislative Bill 1328A, Eighty-second Legislature, Second Session, 1972" after "1972"; and in lines 7 and 8 strike ", 3, 5, and 9" and insert "and 5".

LEGISLATIVE BILL 583. Placed on Select File as amended.
E & R amendments to LB 583:

1. On page 3, line 6, insert "examination of" after "for"; and insert "as provided in this section" after "waters".

2. On page 7, line 15, insert "is hereby created. The fund" after "which".

3. In the title, line 7, strike "and 71-4609," and insert "and" after the first comma.

LEGISLATIVE BILL 505. Placed on Select File.

LEGISLATIVE BILL 582. Placed on Select File as amended.
E & R amendments to LB 582:

1. Insert the new section added by the Duis amendment as section 2, original sections 4 to 6 as sections 3 to 5, the new section added by the Carpenter amendment as section 6, and new section 5 added by standing committee amendment 2 as section 8.

2. Insert a new section to read:

"Sec. 7. That original section 39, Legislative Bill 259, Eighty-third Legislature, First Session, 1973, is repealed.".

3. In the title, line 4, strike "sections 23 and 24" and insert "section 39"; and in line 8, strike "sections" and insert "section".

Correctly Engrossed

The following bill was correctly re-engrossed: 311A; the following bills were correctly engrossed: 149, 535, 550, 559 and 577.

(Signed) John J. Cavanaugh, Chairman

UNANIMOUS CONSENT–Change of Order

Mr. Carpenter asked unanimous consent to consider the bills reported on Select File this morning. No objections. So ordered.

MOTION–Suspend Rules

Mr. Carpenter moved to suspend the Rules to permit the adoption of amendments on Select File with a majority of those voting. The motion lost with 14 ayes, 9 nays and 26 not voting.

SELECT FILE

LEGISLATIVE BILL 111. Laid over at the request of Mr. Carpenter.

LEGISLATIVE BILL 557. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 545. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Re-engrossment.

LEGISLATIVE BILL 534. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 472. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment with 26 ayes, 2 nays and 21 not voting.

LEGISLATIVE BILL 267. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 246. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 549. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 579. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 581. E & R amendments found in this day's Journal were adopted.

Laid over at the request of Mr. Carpenter.

LEGISLATIVE BILL 583. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 505. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 582. E & R amendments found in this day's Journal were adopted.

Laid over at the request of Mr. Carpenter.

UNANIMOUS CONSENT–Member Excused

Mr. F. Carstens asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

MOTION–Withdraw LB 313

Mr. Waldron moved to withdraw LB 313. Laid over.

UNANIMOUS CONSENT–Unbracket LB 423

Mr. Carpenter asked unanimous consent to unbracket LB 423 on E & R Final. No objections. So ordered.

MOTION–Return LB 423 to Select File

Mr. Carpenter moved to return LB 423 to Select File for the following specific amendment:

That in the event an election shall be held pursuant to R.R.S. 48-801, et seq., the appropriate unit for collective bargaining shall be the unit or units set forth in Sections 1. and 2. hereof.

Mr. Carpenter requested a record vote.

Voting in the affirmative, 17:

Anderson
Barnett
Carpenter
Cavanaugh
Fowler
Keyes
F. Lewis
Luedtke
Mahoney
Marsh
Richendifer
Schmit
Simpson
Skarda
Stahmer
Syas
Waldron

Voting in the negative, 15:

Burbach
C. Carsten
Clark
Dickinson
Epke
Goodrich
Kelly
R. Lewis
Murphy
Rasmussen
Stromer
Stull
Warner
Whitney
Wiltse

Not voting, 17:

F. Carstens
Chambers
DeCamp
Duis
Fellman
Hasebroock
Johnson
Kennedy
Kime
Kremer
Maresh
Marvel
Moylan
Nore
Proud
Savage
Snyder

The Carpenter motion lost with 17 ayes, 15 nays and 17 not voting.

MOTION—Approve Appointment

Mr. Goodrich moved to approve the appointment of George R. Egermayer to the Board of Trustees of Nebraska State Colleges, found in the Journal on page 1631 for the Eighty-first Day.

Motion pending.

RECESS

At 12:00 noon, on a motion by Speaker Proud, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:00 p.m., Speaker Proud presiding.

The roll was called and all members were present except Messrs. F. Carstens, Hasebroock and Kime who were excused; Mr. Snyder who was excused until 2:30 p.m.

UNANIMOUS CONSENT—Withdraw Motion

Mr. Goodrich asked unanimous consent to withdraw his pending motion found in this day's Journal to approve the appointment of George R. Egermayer.

Mr. Skarda objected.

Mr. Goodrich moved to withdraw his pending motion to approve the appointment of George R. Egermayer. The motion prevailed with 16 ayes, 9 nays and 24 not voting.

MOTION—Disapprove Appointment

Mr. Goodrich moved to disapprove the appointment of George R. Egermayer to the Board of Trustees to the Nebraska State Colleges found in the Journal on page 1631 for the Eighty-first Day.

The Chair ruled this motion would take 25 votes.

Voting in the affirmative, 11:

Carpenter
C. Carsten
Goodrich
Johnson
Kelly
Marsh
Murphy
Simpson
Stromer
Stull
Wiltse

Voting in the negative, 22:

Burbach
Cavanaugh
Clark
Dickinson
Epke
Fellman
Kennedy
Keyes
F. Lewis
Luedtke
Mahoney
Maresh
Marvel
Moylan
Nore
Rasmussen
Richendifer
Savage
Skarda
Waldron
Warner
Whitney

Not voting, 16:

Anderson
Barnett
F. Carstens
Chambers
DeCamp
Duis
Fowler
Hasebroock
Kime
Kremer
R. Lewis
Proud
Schmit
Snyder
Stahmer
Syas

The motion to disapprove the appointment lost with 11 ayes, 22 nays and 16 not voting.

MOTION—Return LB 544 to the Legislature

Mr. Marvel moved to direct the Clerk to request the Governor to return LB 544 to the Legislature for further consideration. The motion prevailed with 28 ayes, 0 nays and 21 not voting.

MOTION—Return LB 472 to Select File

Mr. Warner moved to return LB 472 to Select File for the following specific amendments:

1. On page 3, line 17, insert "and each year thereafter" after "year"; and in line 25 insert "(2)" after the period and supply paragraphing.
2. On page 4, line 2, as amended, strike "1974-75" and insert "1975-76"; at the end of line 13 insert "The State Department of Education shall provide each school district with information necessary to enable the district to comply with this subsection. Such information shall be supplied on or before February 1, 1974, and on or before February 1 each year thereafter."; and in line 14, strike "(2)" and insert "(3)".
3. Strike renumbered section 21; and in the Warner amendments, page 10, line 3, insert "original section 79-4,102, Reissue Revised Statutes of Nebraska, 1943, and" after "That".

The motion prevailed with 26 ayes, 0 nays and 23 not voting.

SELECT FILE

LEGISLATIVE BILL 472. The Warner specific amendments found in this day's Journal were adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Engrossment.

Mr. Warner asked unanimous consent to expedite LB 472. No objections. So ordered.

MOTION—Return LB 583 to Select File

Mr. Marvel moved to return LB 583 to Select File for the following specific amendment:

1. Insert the following new section:

"Sec. 14. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.

The motion prevailed with 25 ayes, 0 nays and 24 not voting.

SELECT FILE

LEGISLATIVE BILL 583. The Marvel specific amendment found in this day's Journal was adopted with 29 ayes, 0 nays and 20 not voting.

Advanced to E & R for Engrossment.

COMMUNICATION

MILITARY DEPARTMENT OF NEBRASKA
State Civil Defense Agency
1300 Military Road
Lincoln, Nebraska 68508
16 May 1973

MEMO FOR: Governor Exon
FROM: Burl Johnson
RE: Platte River

Flood crest today is in the Odessa vicinity. Volume and stage readings continue to meet current forecasts.

Lowland flooding of a relatively minor nature continues to occur.

Crest should reach Grand Island on the 17th, Duncan on the 19th, North Bend on the 20th, and Louisville on the 22nd.

By the time the crest reaches Ashland, it should be below flood stage.

We do not anticipate any further serious problems unless we have rain.

We do expect the North Platte to remain at a bank full level until irrigation starts. The flood crest is several days long. Therefore, the entire river operation should be carefully watched. We propose to continue to do so.

FOR THE DIRECTOR

BMJ:pl

RESOLUTION

LEGISLATIVE RESOLUTION 85. Mr. Carpenter moved to amend LR 85 by striking the original Legislative Resolution No. 85 and amendments and inserting the following:

WHEREAS, a portion of the proceeds from the cigarette tax is transferred annually to the University of Nebraska at Lincoln Field House Fund, and additional sums have been placed in the State Board of Agriculture Improvement Fund; and

WHEREAS, these funds are dedicated to the financing of the new Field House to be located on the State Fair Grounds in Lincoln; and

WHEREAS, the 1973 Legislature has enacted LB 510 which provides for additional funds to be available for construction of the Field House, namely the interest income to be received from the investment of the Field House Fund and the Construction and Bond Funds, plus the amount in the Reserve Account established in connection with the University of Nebraska Facilities Corporation bond issue; and

WHEREAS, it is important that these additional funds, together with any private funds donated for specific facilities, be used to provide specified facilities and capabilities in connection with the proposed Field House.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the additional funds from interest now made available for construction of the Field House be used by the Board of Regents and the State Board of Agriculture solely to provide the following:

(1) Raising of the roof to provide additional seats in the future;

(2) a seating capacity of approximately 2,000 in the natatorium which would include spectators and participants;

(3) a seating capacity of approximately 5,000 in the track and field area with additional temporary space provided for the purpose of exhibitions;

(4) utility line capacity to provide for ventilating and temparature control refinement.

2. That any private funds donated for special Field House facilities be expended by the Board of Regents and the State Board of Agriculture solely to provide the following:

(1) A racing pool 25 meters in length with ten 7-foot lanes, with the capability of expansion to 50 meters, and a pool depth of 6 feet; and deck space at the ends of the pool, to be 18 feet and 12 feet;

(2) for a ceiling height above the 40 foot by 60 foot diving well, to be 16 feet at minimum depth (not sloping) from the racing pool area, no less than 45 feet with no obstruction present and which shall be for the purpose of a 10 meter diving tower;

(3) a touchpad system with a prepared cable area under the cement surface;

(4) deck space between the swimming tank and the diving well of 15 feet;

(5) any other purposes that such boards find necessary or desirable to complete or expedite the construction of the Field House.

Any private funds used by the Board of Regents and the State Board of Agriculture must be received by such boards within ninety days of the effective date of this resolution in order to be used at a time and in such manner so as not to delay the time schedules for construction of the Field House or facilities therein.

3. That the pool area of the Field House may be used for purposes other than University sports events with the permission of the University of Nebraska.

The amendment was adopted.

LR 85 was adopted, as amended, with 26 ayes, 0 nays and 23 not voting.

MOTION—Reconsider Action

Mr. Marvel moved to reconsider action on LB 544 on final reading. The motion prevailed with 26 ayes, 0 nays and 23 not voting.

MOTION—Return LB 544 to Select File

Mr. Marvel moved to return LB 544 to Select File for the following specific amendments:

1. On page 2, line 3, strike "All" and insert "Except as to other revenue the disposition of which is otherwise provided for, all"; in line 11, strike "to the State Department of Education"; and in line 15, insert "vouchers issued by the State Department of Education and" after "upon".

2. Add a new section to read:

"Sec. 2. All receipts to the State Department of Education Cash Fund are hereby appropriated for the period ending June 30, 1974, for the purposes stated in section 1 of this act.".

3. In the title, line 4, strike the second "and"; and in line 5, insert "; and to appropriate receipts to such fund" after "disbursements".

The motion prevailed with 26 ayes, 0 nays and 23 not voting.

SELECT FILE

LEGISLATIVE BILL 544. The Marvel specific amendments found in this day's Journal were adopted with 28 ayes, 0 nays and 21 not voting.

Advanced to E & R for Re-engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 423. Replaced on Select File as amended.
E & R amendments to LB 423:

1. In line 2 of E & R 5 and 6, line 9 of E & R 7, and line 8 of E & R 8, strike "248" and insert "149".

2. On page 2, line 5, strike "chancellor, deans," and insert "president, vice presidents, chancellors, vice chancellors, deans, associate deans, assistant deans, directors, associate directors, assistant directors,"; and in line 10, insert ", not inconsistent with section 4 of ~~this act~~ Legislative Bill 149" after "persons".

3. On page 4, line 4, strike "chancellor, deans," and insert "president, vice presidents, chancellors, vice chancellors, deans, associate deans, assistant deans, directors, associate directors, assistant directors,".

LEGISLATIVE BILL 557. Replaced on Select File as amended.
E & R amendment to LB 557:

1. In line 2 of E & R 1, strike "after" and insert "before".

LEGISLATIVE BILL 256. Placed on Select File as amended.
E & R amendments to LB 256:

(Note: All amendments are to standing committee amendments except as expressly stated.)

1. On page 1, line 14, strike "requires" and insert "require".
2. On page 2, line 2, strike "are" and insert "is".
3. Whenever reference is made in any amendment to "Nebraska Capital Construction Fund" insert "State of" before "Nebraska".
4. In lieu of the Stull amendment, on page 10, line 17, strike "750,000" and insert "850,000".
5. In lieu of the Carpenter amendment on page 10, after line 9, insert "(d) Lake Minatare, for capital construction"; and in the second column insert "50,000".
6. On page 23, strike beginning with the first "and" in line 16 through line 17; and in line 18 insert ", which includes $15,000 for planning and correction of the drainage problems of the total site" before the period.
7. On page 24, line 19, insert "as federal funds" after "act".
8. In lieu of the Snyder amendment, insert a new section to read:

"Sec. 66. The University of Nebraska at Omaha is hereby authorized to improve the football field by installing an artificial turf at a project cost of $200,000, installing lighting at a project cost of forty-nine thousand dollars, and bringing in additional power at a project cost of $25,000, for which purpose there is hereby appropriated $274,000 from the State Building Fund.".

9. Insert the Mahoney amendment as section 67, the Burbach amendment as section 68 and in line 1 thereof insert "Sec. 68." before "There", the DeCamp amendment as section 69, the Waldron amendment as section 70, the new sections added by the Carpenter amendments as sections 71 to 77, and the Chambers amendment as section 78.

10. In section 78, line 3, insert "and related utilities" after "cottage".

11. Renumber original sections 66 to 68 as sections 79 to 81 respectively.

12. In the title, strike lines 2 to 9 and insert:

"FOR AN ACT making appropriations and reappropriations for
capital construction and improvements and land
acquisition; to provide conditions; to provide
for lapsing; and to declare an emergency.".

(Signed) John J. Cavanaugh, Chairman

UNANIMOUS CONSENT—Change of Order

Mr. Stull asked unanimous consent to consider the bills reported on Select File. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 423. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 557. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 256. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

MOTION—E & R Status

Mr. Carpenter moved to have Mr. Emory Burnett come in and advise the members on the E & R status for the remainder of the session. The motion prevailed.

SELECT COMMITTEE REPORT
Committee on Committees

May 16, 1973

The Committee on Committees will meet at 12:30 p.m., Wednesday, May 23, 1973, for the purpose of considering appointments submitted by Governor J. James Exon as follows:

Ronald Woodward – Advisory Committee to the Department of Economic Development (reset)

William Dobler – State Commission for Higher Educational Aid (reset)

William C. Peters – Personnel Director – Code of Ethics Board

(Signed) Ramey C. Whitney, Chairman

VISITORS

The following guests were introduced: Dr. Martin Franco Benitez of Paraguay; Vincente Ferrer; Manuel Valverde, Lincoln; 43 Sixth Grade students and teacher from Tecumseh; 25 Third through Sixth Grade students and teachers from Avoca School, Avoca; 38 Seventh Grade students and teacher from Trinity Luthern School, Grand Island; 15 Third through Sixth Grade students and teacher from Dist. No. 34, Wisner; 27 Third Grade students and teacher from Weeping Water School, Weeping Water; 32 Fifth Grade students and teacher from Merle Beattie School, Lincoln; 22 Fifth and Sixth Grade students and teachers from St. Josephs School, Geneva.

ADJOURNMENT

At 2:59 p.m, on a motion by Mr. Stull, the Legislature adjourned until 9:00 a.m., Thursday, May 17, 1973.

Vincent D. Brown
Clerk of the Legislature

EIGHTY-FIFTH DAY—MAY 17, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

EIGHTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 17, 1973

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Marsh presiding.

PRAYER

The prayer was offered by Rev. Everett Hezmall, Associate Pastor of Westminister Presbyterian Church, Lincoln.

> O Lord, our God, Creator of all and sustainer of Life; Before you one day we shall have to render an account. Grant us Your wisdom that this day's work may be well pleasing unto You.
>
> We feel at times frustrated in not finding the enablement of funds with which to implement the measures we feel are good for the people of our state. We feel rushed in our endeavors as the days draw to a close.
>
> Let this moment be one of release of our burdens into your Almighty hands, so that in freedom of spirit and in quietness of mind, we shall accept this day's challenge in faith that we can be co-workers with You.
>
> In the Spirit of Jesus Christ our Lord we pray.

ROLL CALL

The roll was called and all members were present except Messrs. Burbach and Kime who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eighty-fourth Day was approved.

MESSAGE FROM THE GOVERNOR

May 16, 1973

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

I am returning herewith LB 312 without my signature and with my objections.

I am vetoing this bill because of my convictions and am disappointed that the Legislature would not accept my attempt at a reasonable compromise on this very far-reaching legislation.

In my opinion, LB 312 is overly permissive with regard to detached facilities and could allow the larger banks to take unfair advantage of the smaller-sized institutions.

While it is true that branch banking itself is not involved in LB 312, there can be little question that your expansion of detached facilities from the present 2600 foot limitation to a distance of three miles from the principal location, and a second facility "within the city limits" is a giant step in that direction.

I concur that the present 2600 feet maximum separation from the chartered location is overly restrictive. But in considering liberalization of that law, may I suggest that you ask yourselves why did we have such a 2600 feet limitation in the first place?

All are aware of my suggestion that detached facilities could reasonably be increased to one within one mile and the second within three miles of the principal location. It is my view that, in a metropolitan area, a bank can meet the obligation of its charter, the obviously intended limitation thereof, and legitimately meet the need and convenience of its customers by having two detached facilities within a three mile radius of its headquarters.

To go beyond that area, say to 8 to 10 miles or more from its operation center, appears to violate the integrity of the traditional concepts of a bank being chartered to serve the needs of a particular area. When that principle is violated, you are giving nodding approval to full branch banking which, if eventually passed in Nebraska, will serve the unwise purpose of concentrating the vast power of the banking fraternity into a few hands.

While I recognize that the most intensive lobby pressure has been exercised pro and con on this matter, I am hopeful that each of you will exercise your own independent judgement, after a careful review of all of the implications when considering possible future action on this measure.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:fw

MOTION—Override Veto on LB 312

Mr. Schmit moved to override the Governor's veto on LB 312.

Mr. Skarda moved the previous question. The question is, "Shall the debate now cease?" The motion prevailed with 30 ayes, 1 nay and 18 not voting.

The question is, "Shall the bill pass notwithstanding the objections of the Governor?"

Voting in the affirmative, 31:

Anderson Barnett Carpenter F. Carstens Chambers
Clark DeCamp Epke Fowler Goodrich
Hasebroock Johnson Kelly Keyes Kremer
R. Lewis Luedtke Mahoney Marsh Marvel
Savage Schmit Simpson Skarda Snyder
Stahmer Stromer Stull Waldron Warner
Whitney

Voting in the negative, 15:

C. Carsten Dickinson Duis Fellman Kennedy
F. Lewis Maresh Moylan Murphy Nore
Proud Rasmussen Richendifer Syas Wiltse

Not voting, 3:

Burbach Cavanaugh Kime

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 45.

A BILL FOR AN ACT to adopt the Nebraska Rules of the Road; to provide an operative date; and to repeal sections 39-713, 39-714.03, 39-723.02, 39-724, 39-724.01, 39-729, 39-731, 39-732, 39-736 to 39-737.01, 39-739, 39-743 to 39-746, 39-746.02 to 39-747, 39-749, 39-755 to 39-761, 39-764.01, 39-766, 39-768, 39-789 to 39-793, 39-799, 39-7,108 to 39-7,111, 39-7,115 to 39-7,117, 39-7,123.02, 39-7,123.03, 39-7,123.11, 39-7,127, 39-1365, 39-1366, 39-1368 to 39-1371, 39-1373 to 39-1389, 79-488.01, and 79-488.02, Reissue Revised Statutes of Nebraska, 1943, and sections 18-1725 to 18-1728, 39-713.01, 39-719.01, 39-723, 39-738, 39-741, 39-742, 39-746.01, 39-746.08, 39-750 to 39-754.09, 39-767, and 39-7,134, Revised Statutes Supplement, 1972.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Anderson	Barnett	C. Carsten	F. Carstens	Cavanaugh
Chambers	Clark	DeCamp	Dickinson	Duis
Epke	Fowler	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Keyes	Kremer	F. Lewis
Luedtke	Maresh	Marsh	Moylan	Murphy
Nore	Proud	Rasmussen	Richendifer	Savage
Schmit	Simpson	Snyder	Stahmer	Stromer
Stull	Syas	Warner	Whitney	Wiltse

Voting in the negative, 4:

R. Lewis	Mahoney	Skarda	Waldron

Not voting, 5:

Burbach	Carpenter	Fellman	Kime	Marvel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 286. With Emergency.

A BILL FOR AN ACT relating to public health; to state findings; to define terms; to regulate the practice of abortion as prescribed; to make certain acts unlawful; to provide penalties; to provide remedies; to provide duties; to provide severability; to repeal sections 28-404 and 28-405, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 35:

Anderson	Barnett	Carpenter	C. Carsten	F. Carstens
Cavanaugh	Clark	DeCamp	Duis	Epke

Goodrich	Hasebroock	Johnson	Kelly	Kennedy
Keyes	F. Lewis	R. Lewis	Mahoney	Maresh
Moylan	Murphy	Nore	Rasmussen	Richendifer
Savage	Schmit	Skarda	Snyder	Stromer
Stull	Syas	Waldron	Warner	Wiltse

Voting in the negative, 8:

Chambers	Fowler	Kremer	Luedtke	Marsh
Simpson	Stahmer	Whitney		

Not voting, 6:

Burbach	Dickinson	Fellman	Kime	Marvel
Proud				

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 315. With Emergency.

A BILL FOR AN ACT relating to liquors; to prohibit a law enforcement officer from having any interest in an establishment or place of business which has a liquor license; to provide an exception; to provide penalties; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 33:

Barnett	Carpenter	C. Carsten	F. Carstens	Chambers
Dickinson	Duis	Fowler	Hasebroock	Johnson
Kelly	Kennedy	Kremer	F. Lewis	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Marvel
Murphy	Nore	Rasmussen	Savage	Schmit
Simpson	Skarda	Stahmer	Stull	Syas
Waldron	Warner	Wiltse		

Voting in the negative, 11:

Anderson	Cavanaugh	Clark	DeCamp	Epke
Goodrich	Moylan	Proud	Snyder	Stromer
Whitney				

Not voting, 5:

Burbach Fellman Keyes Kime Richendifer

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 341. With Emergency.

A BILL FOR AN ACT to amend sections 3-129, 3-130, and 3-131, Reissue Revised Statutes of Nebraska, 1943, and section 3-128, Revised Statutes Supplement, 1972, as amended by section 1, Legislative Bill 391, Eighty-third Legislature, First Session, 1973, relating to aeronautics; to eliminate the requirement of registration of aircraft with the Department of Aeronautics; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 36:

Anderson Carpenter C. Carsten F. Carstens Cavanaugh
Chambers Clark Duis Epke Goodrich
Hasebroock Johnson Kelly Kennedy Kremer
F. Lewis Luedtke Marsh Moylan Murphy
Nore Proud Rasmussen Richendifer Schmit
Simpson Skarda Snyder Stahmer Stromer
Stull Syas Waldron Warner Whitney
Wiltse

Voting in the negative, 0.

Not voting, 13:

Barnett Burbach DeCamp Dickinson Fellman
Fowler Keyes Kime R. Lewis Mahoney
Maresh Marvel Savage

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 358.

A BILL FOR AN ACT to amend sections 79-488, 79-488.06, and 79-4,118, Reissue Revised Statutes of Nebraska, 1943, and section 79-4,119, Revised Statutes Supplement, 1972, relating to schools; to extend provisions to all school buses and school bus drivers; to provide for the loan of textbooks by boards of education as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Anderson
Barnett
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
Clark
DeCamp
Duis
Epke
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Kremer
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Nore
Proud
Rasmussen
Richendifer
Schmit
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 7:

Burbach
Dickinson
Keyes
Kime
F. Lewis
R. Lewis
Savage

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 485. Laid over at the request of Speaker Proud.

LEGISLATIVE BILL 516. With Emergency.

Mr. Whitney asked unanimous consent to read LB 516 at this time. No objections. So ordered.

A BILL FOR AN ACT relating to state employees; to provide a uniform program of group life and health insurance for all permanent full-time state employees as prescribed; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Anderson	Barnett	Carpenter	C. Carsten	Cavanaugh
Chambers	Clark	DeCamp	Dickinson	Duis
Epke	Fellman	Fowler	Goodrich	Hasebroock
Johnson	Kelly	Kennedy	Keyes	Kremer
Luedtke	Maresh	Marsh	Marvel	Moylan
Murphy	Nore	Proud	Rasmussen	Savage
Schmit	Simpson	Skarda	Snyder	Stahmer
Stromer	Stull	Syas	Waldron	Warner
Whitney	Wiltse			

Voting in the negative, 0.

Not voting, 7:

Burbach	F. Carstens	Kime	F. Lewis	R. Lewis
Mahoney	Richendifer			

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 528.

A BILL FOR AN ACT to amend sections 66-403, 66-406, 66-407, 66-410.03, 66-410.06, 66-412, 66-416, 66-418, 66-518, 66-611, 66-614, 66-615, 66-621, and 66-628, Reissue Revised Statutes of Nebraska, 1943, and sections 66-404 and 66-609, Reissue Revised Statutes of Nebraska, 1943, as amended by sections 1 and 2, respectively, Legislative Bill 397, Eighty-third Legislature, First Session, 1973, relating to motor vehicle fuel taxes; to provide for furnishing of security; to specify what constitutes security; to provide for hearings; to provide for assessment of deficiencies; to provide for collection of delinquent taxes; to provide procedures; to provide severability; and to repeal the original sections, and also sections 66-405, 66-417, and 66-610, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Anderson	Barnett	Carpenter	C. Carsten	F. Carstens
Cavanaugh	Clark	Dickinson	Duis	Epke
Fellman	Fowler	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Keyes	Kremer	F. Lewis
Luedtke	Maresh	Marsh	Marvel	Moylan
Murphy	Proud	Rasmussen	Richendifer	Schmit
Simpson	Snyder	Stahmer	Stromer	Stull
Syas	Waldron	Warner	Whitney	Wiltse

Voting in the negative, 0.

Not voting, 9:

Burbach
Chambers
DeCamp
Kime
R. Lewis
Mahoney
Nore
Savage
Skarda

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 531.

A BILL FOR AN ACT to amend section 77-2717 and 77-2727, Reissue Revised Statutes of Nebraska, 1943, relating to income tax; to provide for the taxation of incomes of beneficiaries of estates or trusts and of partners; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Anderson
Barnett
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Clark
DeCamp
Dickinson
Epke
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Kremer
F. Lewis
R. Lewis
Luedtke
Maresh
Marsh
Moylan
Proud
Rasmussen
Richendifer
Schmit
Simpson
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Wiltse

Voting in the negative, 0.

Not voting, 12:

Burbach
Chambers
Duis
Keyes
Kime
Mahoney
Marvel
Murphy
Nore
Savage
Skarda
Whitney

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 538. With Emergency.

A BILL FOR AN ACT to amend sections 81-1502, 81-1505, and 81-1508, Revised Statutes Supplement, 1972, relating to environmental control; to provide definitions; to provide powers for the Environmental Control Council; to provide penalties; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 36:

Anderson
Barnett
Carpenter
C. Carsten
F. Carstens
Cavanaugh
DeCamp
Dickinson
Epke
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Kremer
F. Lewis
Luedtke
Maresh
Marsh
Moylan
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Wiltse

Voting in the negative, 0.

Not voting, 13:

Burbach
Chambers
Clark
Duis
Fellman
Keyes
Kime
R. Lewis
Mahoney
Marvel
Murphy
Nore
Whitney

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 588. With Emergency.

A BILL FOR AN ACT to amend sections 15-1007, 35-203.01, and 35-212, Reissue Revised Statutes of Nebraska, 1943, and section 16-336, Revised Statutes Supplement, 1972, relating to pensions; to eliminate restrictions on the return of contributions of future terminating firemen or policemen; to repeal the original sections, and also Legislative Bill 480, Eighty-third Legislature, First Session, 1973; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Anderson
Barnett
C. Carsten
F. Carstens
Cavanaugh
Chambers
Clark
DeCamp
Dickinson
Duis

Epke Fellman Fowler Goodrich Hasebroock
Johnson Kelly Kennedy Keyes Kremer
F. Lewis Mahoney Maresh Marsh Marvel
Murphy Nore Proud Rasmussen Richendifer
Savage Schmit Simpson Skarda Snyder
Stahmer Stromer Syas Warner Whitney
Wiltse

Voting in the negative, 0.

Not voting, 8:

Burbach Carpenter Kime R. Lewis Luedtke
Moylan Stull Waldron

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTIONS—Final Reading

Mr. Barnett moved to read LB 585 on Final Reading this morning. The motion prevailed with 33 ayes, 0 nays and 16 not voting.

Mr. Simpson moved to read LB 542 on Final Reading this morning. The motion prevailed with 32 ayes, 0 nays and 17 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 585. With Emergency.

A BILL FOR AN ACT to make an appropriation to provide financial assistance to the family of Slain Trooper George Amos, Jr.; to provide for the disbursement thereof; to provide for two educational trust funds; to provide for lapses; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Anderson Barnett Carpenter C. Carsten Cavanaugh
Chambers Clark DeCamp Dickinson Duis
Epke Fellman Fowler Goodrich Hasebroock
Johnson Kelly Kennedy Keyes Kremer
F. Lewis Luedtke Maresh Marsh Marvel

Moylan Murphy Proud Rasmussen Richendifer
Savage Simpson Skarda Snyder Stahmer
Stromer Stull Syas Warner Whitney
Wiltse

Voting in the negative, 0.

Not voting, 8:

Burbach F. Carstens Kime R. Lewis Mahoney
Nore Schmit Waldron

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 542. With Emergency.

A BILL FOR AN ACT to make appropriations for the payment of miscellaneous claims against the state; to provide for uncollectible amounts; to provide how payments shall be made; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Anderson Barnett Carpenter C. Carsten Cavanaugh
Chambers Clark DeCamp Dickinson Duis
Epke Fellman Fowler Goodrich Hasebroock
Johnson Kelly Kennedy Kremer F. Lewis
Luedtke Mahoney Maresh Marsh Murphy
Nore Proud Rasmussen Richendifer Savage
Schmit Simpson Skarda Snyder Stahmer
Stromer Stull Syas Warner Whitney
Wiltse

Voting in the negative, 0.

Not voting, 8:

Burbach F. Carstens Keyes Kime R. Lewis
Marvel Moylan Waldron

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

EXPLANATIONS OF VOTE

Had I been present, I would have voted "aye" on LB 286 on Final Reading.

(Signed) Richard M. Fellman

Had I been present, I would have voted "aye" on LB 286 on Final Reading.

(Signed) Richard D. Marvel

COMMUNICATION ON LB 312

May 17, 1973

Hon. Allen J. Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Re: LB 312, Eighty-third Legislature, First Session

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS, we are forwarding LB 312 with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 312 notwithstanding the objections of the Governor.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

ls
cc: Governor J. James Exon

CERTIFICATE

Legislative Bill 312 having been returned by the Governor with his objections thereto, and after reconsideration, having passed the Legislature by the constitutional majority, it has become law this 17th day of May, 1973.

(Signed) Frank Marsh, Presiding Officer
President of the Legislature

ATTORNEY GENERAL OPINION

Opinion No. 54
May 17, 1973

Honorable Ernest Chambers
Nebraska State Senator
State Capitol Building
Lincoln, Nebraska 68509

Dear Senator:

With reference to your May 16 letter on L. B. 146 and L. B. 268 which deal with the crime of murder, your question is whether the delayed effective date of L. B. 146 will operate in such a way that it will in fact repeal L. B. 268. In our view, it will not. The method selected by the professional staff of the Legislature in restoring the procedural steps repealed by L. B. 146 was approved by this office.

Your letter states that you "have arguments if your reply is that L. B. 146 does not repeal L. B. 268 (or those sections with which both bills deal)". Undoubtedly those arguments and many others will be raised whenever there is a conviction for murder, and we hope to be able to meet them when the time comes.

Very truly yours,

(Signed) Clarence A. H. Meyer
Attorney General

CAHM:ct

cc: Vincent D. Brown
Clerk of the Legislature

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 472. Replaced on Select File as amended.
E & R amendments to LB 472:

1. In section 18, line 14, insert ", until September 1, 1975," after "shall"; strike the new and stricken matter in lines 14 to 17; and in line 17 insert "Commencing September 1, 1975, such rate shall in no event be more than one and two-tenths times the average per pupil cost for the preceding school year determined as provided in subsection (3) of section 79-486 less the per pupil aid received from state funds." after the period.

2. In line 4 of the Warner amendment 3, adopted 5/16, insert "also" after "and".

LEGISLATIVE BILL 562. Replaced on Select File as amended.
E & R amendments to LB 562:

1. In lieu of the Carpenter amendments adopted 5/15, on page 63, line 21, strike "upon request" and insert "~~upon request~~ within thirty days after each election"; and insert an underscored period after "measure" in line 24 and strike the remainder of the sentence and show as stricken.

2. Insert "voter's" after "disabled" on page 60, lines 21 and 24, page 61, line 1, and page 108, line 24.

3. On page 74, insert "and" at the end of line 9.

4. In new section 92, line 21, insert "the" after "of"; and insert an underscored comma before "that" in line 43 and "and" in line 45.

LEGISLATIVE BILL 534. Replaced on Select File as amended.
E & R amendments to LB 534:

1. In line 1 of the Burbach amendment 3, strike the semicolon.

2. Renumber the new section added by the Burbach amendment 7 as section 3 and original section 3 as section 4.

LEGISLATIVE BILL 267. Replaced on Select File as amended.
E & R amendments to LB 267:

1. In line 3 of E & R 12, insert "first" after "the".

2. In the Warner amendment 9, line 3, strike the third comma.

3. On page 15, line 26, insert "or" after the semicolon.

4. On page 16, line 18, strike "by".

5. On page 24, line 6, strike the comma.

6. On page 28, line 22, strike "27" and insert "20".

LEGISLATIVE BILL 563. Placed on Select File as amended.
E & R amendments to LB 563:

1. On page 3, line 2, insert ", as amended by section 1, Legislative Bill 58, Eighty-third Legislature, First Session, 1973" after "1943"; and on page 4, line 4, insert "; Provided, that a delinquent child under the age of twelve years shall not be committed to the Youth Development Center-Geneva or to the Youth Development Center-Kearney unless he or she has violated the terms of probation or has committed an additional offense and the

court finds that the interests of the child and the welfare of the community demand his or her commitment. This minimum age provision shall not apply if the act in question is murder or manslaughter" after "Services".

2. On page 10, line 24, insert ", as amended by section 1, Legislative Bill 572, Eighty-third Legislature, First Session, 1973" after "1972"; on page 11, line 4, strike "fifteen" and insert "not to exceed twenty-five"; in line 12 insert "for use in his office and two copies to be maintained in the legislative chamber under control of the sergeant at arms" after "Legislature"; strike beginning with "each" in line 18 through the first comma in line 22; and on page 13, line 2, insert ", and one complete set to each newly-appointed member of the Legislature, two complete sets to each newly-elected member of the Legislature, and two complete sets of such volumes as are necessary to update previously issued volumes to all other members of the Legislature" after "institutions".

3. On page 13, line 11, insert ", as amended by section 1, Legislative Bill 201, Eighty-third Legislature, First Session, 1973" after "1972"; strike the stricken matter in lines 14 and 15 and remove underscoring in line 15; and on page 14, line 13, insert "and also except such motor vehicles as are used or controlled by the Department of Agriculture for special investigative purposes," after the comma.

4. On page 15, line 22, insert "the" after "and".

5. On page 17, line 17, strike the commas and insert "and" after "Institutions".

6. On page 23, line 17, strike "soil and water conservation" and show as stricken and insert "natural resources".

7. On page 24, line 6, strike "where" and insert "~~where~~ when".

8. In lieu of standing committee amendment 2, on page 25, strike the new matter in lines 18 to 20.

9. On page 34, line 23, strike "and" and insert "or"; and insert ", whichever has jurisdiction," after "Services".

10. On page 40, lines 14 and 18 strike "Division of Corrections" and show as stricken and insert "Department of Correctional Services".

11. On page 44, lines 17 and 19, strike "division" and insert "~~division~~ department".

12. In standing committee amendment 7, line 2, strike "advice" and insert "approval".

13. In lieu of standing committee amendment 8, on page 47, strike the new matter in lines 10 and 11 except "(10)".

14. In standing committee amendment 9, line 2, insert "and the" before "Department".

15. On page 49, lines 2 and 3, strike "the Director of Public Institutions," and show as stricken; and in line 4 strike the first comma and show as stricken.

16. On page 53, line 9, strike the comma.

17. On page 55, line 6, strike "record" and insert "records".

18. In the Luedtke amendment, line 2, insert "and" before "in"; in line 3 strike "will" and insert "shall"; in line 4 insert "Lincoln" after "the"; and in lines 4 and 5, strike ", Lincoln, Nebraska".

19. In lieu of standing committee amendment 13, strike section 66 and renumber original sections 67 to 72 as sections 57 to 62.

20. On page 56, line 8, strike the second comma; and in lines 16 and 18, strike the comma.

21. On page 58, line 4, strike "a biennial" and insert "an annual"; in line 6 insert an underscored comma after "guards"; and in line 8 strike "; and" and insert ", and he".

22. Renumber original section 74 as 63, section 76 as 64, and 78 to 89 as sections 65 to 76 respectively.

23. On page 60, insert an underscored comma at the end of lines 8 and 10.

24. On page 61, line 9, strike "this" and insert "such".

25. On page 62, lines 19 and 23, strike "is".

26. On page 65, in line 8, strike "43-210,"; strike line 9 and insert "43-210.01, 43-219,"; in line 10 strike "43-909,"; strike line 18 and insert "sections 68-621,"; in line 17 strike "and"; and in line 19, after "1972" insert ", section 43-210, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 58, Eighty-third Legislature, First Session, 1973, section 49-617, Revised Statutes Supplement, 1972, as amended by section 1, Legislative Bill 572, Eighty-third Legislature, First Session, 1973, and section 60-1001, Revised Statutes Supplement, 1972, as amended by section 1, Legislative Bill 201, Eighty-third Legislature, First Session, 1973".

27. In the title, line 2, strike "43-210,"; strike line 3; in line 14 strike "and"; in lines 14 and 15 strike "43-901, 43-905, 43-910, 49-617, 60-1001,"; and in line 16 insert ", section 43-210, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 58, Eighty-third Legislature, First Session, 1973,

section 49-617, Revised Statutes Supplement, 1972, as amended by section 1, Legislative Bill 572, Eighty-third Legislature, First Session, 1973, and section 60-1001, Revised Statutes Supplement, 1972, as amended by section 1, Legislative Bill 201, Eighty-third Legislature, First Session, 1973" after "1972".

LEGISLATIVE BILL 563A. Placed on Select File.

LEGISLATIVE BILL 134. Placed on Select File as amended.
E & R amendments to LB 134:

1. On page 2, line 8, strike the comma.
2. On page 4, line 7, strike "all agencies" and insert "each agency"; in line 14, strike "June 30, 1975"; and in line 18, strike "June 30, 1975" and insert "filing".
3. Because the changes proposed therein are also found in original section 10, strike section 2 and renumber subsequent sections accordingly.
4. On page 6, line 7, strike the comma.
5. On page 11, insert "and" at the end of line 15; and in line 18, strike the semicolon and insert an underscored period.
6. On page 12, strike the second comma in line 21; and strike lines 24 to 27 and insert "or that no changes have been made.".
7. In lieu of the Cavanaugh amendment thereto, on page 15, line 21, strike "84-903,"; and in line 22, strike "84-906, 84-907, and 84-909," and insert "and 84-906,".
8. In the title, line 2, strike "84-903," and insert "and" at the end of the line; in line 3, strike "84-907, and 84-909,"; and strike beginning with the comma in line 8 through line 10 and insert "; to provide for the form, indexing, and filing of rules and regulations; to provide for review; to provide when no rule shall be effective or valid; to provide duties; and to".

LEGISLATIVE BILL 275. Placed on Select File as amended.
E & R amendments to LB 275:

1. In section 1, line 3, insert "and institute" after "colleges".
2. In the title, line 4, insert "and an institute" after "colleges"; and after the semicolon insert "to provide for graduate degrees in journalism;".

LEGISLATIVE BILL 587. Placed on Select File.

LEGISLATIVE BILL 526. Placed on Select File as amended.
E & R amendments to LB 526:

1. On page 10, insert an underscored comma at the end of line 8.
2. On page 12, line 1, insert an underscored comma after "state".
3. In the title, insert "electing small business" at the end of line 8; and in line 9, strike "taxed as partnerships".

LEGISLATIVE BILL 529. Placed on Select File as amended.
E & R amendments to LB 529:

1. On page 3, line 4, strike "him" and insert "them".
2. On page 7, strike the new matter in lines 7 to 9; in line 10, insert ", and shall include a sale whereby a person liquidates his business in a single transaction" after "60-301"; in line 14, strike "subsection" and insert "subdivision"; and in line 19, strike the comma.
3. On page 19, line 16, strike "the".
4. On page 20, line 7, insert an underscored comma after "77-2702".
5. On page 28, insert an underscored comma at the end of line 7.
6. Show as stricken all matter stricken by standing committee amendment 9.
7. On page 48, lines 8 and 9, strike "77-2701 to 77-27,135" and insert "77-2702 to 77-2713".
8. On page 48, line 24, insert ", as amended by section 11, Legislative Bill 224, Eighty-third Legislature, First Session, 1973" after "1943"; on page 51, line 15, strike "original" and insert "such"; in line 17, insert "Provided, that in offices filing by the roll form of microfilm pursuant to section 23-1517.01, the original notices need not be retained;" after the semicolon; in lines 20 and 25, strike "original"; in line 24, strike "permanently attach the original" and insert "file the"; and in line 25, strike "to" and insert "with".
9. On page 58, line 19, and in the title, line 3, strike "77-2711, and 77-2712" and insert "and 77-2711"; on page 58, line 20 and in the title, line 4, strike "and"; and on page 58, line 21, and in the title, line 5, insert ", and section 77-2712, Reissue Revised Statutes of Nebraska, 1943, as amended by section 11, Legislative Bill 224, Eighty-third Legislature, First Session, 1973" after "1972".

(Signed) John J. Cavanaugh, Chairman

MOTION–Suspend Rules

Mr. Duis moved to suspend the Rules to consider the final reading bills set for tomorrow, this afternoon. The motion prevailed with 31 ayes, 1 nay and 17 not voting.

UNANIMOUS CONSENT–Change of Order

Mr. Duis asked unanimous consent to consider the Select File bills reported in this morning. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 472. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 562. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 534. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 267. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 563. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 563A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 134. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 275. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 587. Advanced to E & R for Engrossment.

RECESS

At 11:56 a.m., on a motion by Mr. Hasebroock, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:02 p.m., President Marsh presiding.

The roll was called and all members were present except Messrs. Hasebroock and Kime who were excused.

LETTER FROM THE SECRETARY OF STATE

May 17, 1973

Mr. Vince Brown
Clerk of the Unicameral Legislature
State Capitol
Lincoln, Nebraska

Re: L. B. 312
83rd Legislature, First Session

Dear Mr. Brown:

I am in receipt of Legislative Bill 312 which was received on this date, May 17, 1973 at 11:00 a.m.

I have also received with this Legislative Bill, the official certification signed by the Honorable Frank Marsh, President of the Legislature, that the bill after reconsideration, was duly passed by the Legislature notwithstanding the objections of the Governor.

L. B. 312 has been officially filed in this office and will become law as provided in the Constitution.

Respectfully acknowledged,

(Signed) ALLEN J. BEERMANN
Secretary of State

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 472. Replaced on Select File as amended.
E & R amendment to LB 472:

1. In line 2 of E & R 1 adopted 5/17, insert "reinstate the" after "and".

LEGISLATIVE BILL 423. Replaced on Select File as amended.
E & R amendments to LB 423:

1. In line 6 of E & R 1, adopted 5/10, insert "first" after "after".
2. In line 1 of E & R 1 adopted 5/16, strike "and 6".
3. On page 6, line 1, strike "subsection" and insert "subdivision".

LEGISLATIVE BILL 530. Placed on Select File as amended.
E & R amendments to LB 530:

1. On page 5, strike beginning with "section" in line 9 through "and" in line 10, and in line 11, strike "are" and insert "is".
2. In the title, strike beginning with "section" in line 4, through "and" in line 6, and in line 8, strike "sections" and insert "section".

LEGISLATIVE BILL 114. Placed on Select File as amended.
E & R amendments to LB 114:

1. In lieu of the Burbach amendment, in standing committee amendments, page 4, strike lines 17 to 22 and show as stricken; and in line 23, strike "(4)" and insert "~~(4)~~ (3)".
2. In standing committee amendment, page 9, strike line 6 and insert "highest exemption for which qualified.".
3. In the title, line 5, insert "to change exemptions; to change an evidence requirement; to change the filing date; to provide for transition; to provide and change procedures;" after the first semicolon.

LEGISLATIVE BILL 589. Placed on Select File.

LEGISLATIVE BILL 236. Placed on Select File as amended.
E & R amendment to LB 236:

1. In the title, line 5, strike "exemption" and insert "exemptions".

LEGISLATIVE BILL 586. Placed on Select File.

LEGISLATIVE BILL 387. Placed on Select File.

LEGISLATIVE BILL 261. Placed on Select File as amended.
E & R amendments to LB 261:

1. In standing committee amendment 1, line 2 insert "year" after "one"; strike the semicolon in lines 3 and 4 and insert an underscored comma; and in line 3 insert "years" after "five" and "twenty".
2. In the title, line 4, strike "mandatory life" and insert "increasingly severe"; and in line 5 insert "second and third" after "specified".

LEGISLATIVE BILL 187. Placed on Select File as amended.
E & R amendments to LB 187:

1. In section 1, line 8, insert an underscored comma before "or".
2. In section 2, line 6, insert "not exempted by section 1 of this act" after "carrier"; in line 9 strike the commas and insert an underscored comma after the first "easements".
3. In section 3, line 12, strike "where" and and insert "when".
4. In section 4, lines 4, 5, and 7, strike "Where" and insert "When"; and in line 27 insert an underscored comma after "hearing".
5. In section 5, strike the comma in lines 1 and 2.
6. In the title, strike line 5 and insert "section 70-301, Reissue Revised Statutes of Nebraska," and in line 6, strike "1972" and insert "1943".

LEGISLATIVE BILL 306A. Placed on Select File.

Correctly Engrossed

The following bills were correctly re-engrossed: 544 and 545; The following bills were correctly engrossed: 246, 549 and 579.

Correctly Enrolled

The following bills were correctly enrolled: 45, 286, 315, 341, 358, 516, 528, 531, 538, 542, 585 and 588.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following: LB 45, LB 286, LB 315, LB 341, LB 358, LB 516, LB 528, LB 531, LB 538, LB 542, LB 585 and LB 588.

MOTION—Return LB 535 to Select File

Mr. Duis moved to return LB 535 to Select File for the following specific amendment:

(1) In Section 1 on page 2 at line 27, following the term "livestock;" strike the term 'or' and in the same section on page 3 at line 5, following the term "sold;", insert new language as follows:

(d) licensed livestock dealers operating pursuant to the Nebraska Dealer Licensing Act;

The motion prevailed with 27 ayes, 0 nays and 22 not voting.

SELECT FILE

LEGISLATIVE BILL 535. The Duis specific amendment found in this day's Journal was adopted with 30 ayes, 0 nays and 19 not voting.

Advanced to E & R for Re-engrossment.

MOTION—Return LB 172 to Select File

Mr. F. Lewis moved to return LB 172 to Select File for the following specific amendments:

1. On page 3, strike lines 8 to 14 and insert:

"Sec. 3. For purposes of this act, a school district's general fund budget shall be the budget for that district less amounts budgeted for:

(1) The payment of principal, interest, and any other charge for or on bonded indebtedness;

(2) Payments from building and equipment funds which shall be those funds which are authorized to be levied under statutes requiring a separately stated levy with such separately stated levy having a statutory limit under statutes which limit the use of money raised by such levies to specific purposes. Such funds shall include but not be limited to those funds authorized by sections 79-506.01, 79-548.01, 79-811, 79-904, and 79-1007.02, Reissue Revised Statutes of Nebraska, 1943; and

(3) Payments or expenditures for that part of programs or activities funded in whole or in part by the United States government or its agencies but not payments or expenditures for programs or activities funded in whole or in part by the State of Nebraska or any of its political subdivisions.

Sec. 4. The general fund budget of all school districts shall be computed in accordance with the provisions of this act. Expenditures from such general fund budget shall not be made in excess of the amount computed under this act.

Sec. 5. Each school district shall separate its general fund budget into two parts. One part shall be salary and salary related items. The other part shall be other expense items. Salary and salary related items shall include salaries, employer contributions to pension or retirement programs, employee benefit plans, and contributions under the Federal Insurance Contributions Act. All other items shall be included in the other expense category.

Sec. 6. For the 1973-74 school year, general fund budget of any school district may not be increased over its budget for the preceding year by more than the amount arrived at pursuant to the following computations: (1) To the amount of salary and salary related items shall be added an amount equal to two per cent of the salary and salary related items and then this total shall be increased by a factor or percentage which shall be the increase in the Cost of Living Index as established by the United States Department of Labor for the immediately preceding calendar year. To the amount resulting from this computation may be added an amount equal to any increase in employer contributions under the federal Social Security Act, which will take effect during the year for which the budget is being set, such amount to be computed based upon the number of employees and their salaries in the year preceding the year for which the budget is being set; (2) to the amount of other expenses shall be added an amount equal to two per cent of the other expenses and then this total shall be multiplied by a factor or percentagge which shall be the increase in the Wholesale Price Index as established by the United States Department of Commerce for the immediately preceding calendar year; and (3) the amounts resulting from computations pursuant to subdivisions (1) and (2) of this section shall be added together and shall constitute the dollar amount that the general fund portion of the budget described in section 2 of this act may be increased, except that if there is an increase in student enrollment, the amount determined under this subdivision may be further increased by the percentage increase in student enrollment.

Sec. 7. For purposes of this act, student enrollment shall mean average daily membership as defined by the State Department of Education.

Sec. 8. In making computations required pursuant to this act, the school districts shall use estimates whenever final figures are not available, but when final figures become available the amounts shall be recomputed. If the recomputation shows that less budget was required than was estimated, then the amount of difference shall be determined. Expenditures shall be reduced by the amount of such determination and the amount of such determination shall be carried forward into the next budget year as an item of general fund revenue for the district. If expenditures are made in excess of the amount permitted under this act, the State Board of Education through the State Department of Education shall for each dollar of excess expenditure subtract one dollar from any state funds being distributed to such district for general school purposes. The amounts so subtracted shall revert to the state General Fund. Such subtraction shall be from such funds next distributed to the school district and such district shall not use such excess expenditures in computing its succeeding budget or expenditure limitation.

Sec. 9. If the governing board of any school district desires to seek a budget higher than authorized by sections 2 to 6 of this act, such governing board may submit the higher budget issue to the voters of the district at either a general election or a special election called for that purpose. If a majority of the votes cast at such an election approve such higher budget, then that shall become the budget for the district.

Sec. 10. At the time of deciding to submit a budget to an election, the governing board shall, by resolution, show the following information: (1) The amount of the previous year's budget; (2) the allowable increase in such budget under this act, both as to percentage and dollar amount increases; (3) the dollar amount of increase above the limitation provided in sections 2 to 7 of this act sought to be approved in the election; and (4) the intended use of the funds which are in excess of the allowable increase under section 5 of this act.".

2. Renumber original sections 4 and 5 as sections 11 and 12.

The motion prevailed with 27 ayes, 0 nays and 22 not voting.

SELECT FILE

LEGISLATIVE BILL 172. The F. Lewis specific amendments found in this day's Journal were adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Re-engrossment.

MOTION—Return LB 505 to Select File

Mr. Marvel moved to return LB 505 to Select File for the following specific amendment:

Amend by striking the standing committee amendments and
add the emergency clause.

The motion prevailed with 26 ayes, 0 nays and 23 not voting.

SELECT FILE

LEGISLATIVE BILL 505. The Marvel specific amendment found in this day's Journal was adopted with 28 ayes, 1 nay and 20 not voting.

Advanced to E & R for Engrossment.

MOTION—Return LB 563 to Select File

Mr. Luedtke moved to return LB 563 to Select File for the following specific amendment:

1. On page 45, strike beginning with "The"
in line 8 through line 18, showing all old matter
as stricken.

The motion prevailed with 25 ayes, 0 nays and 24 not voting.

SELECT FILE

LEGISLATIVE BILL 563. The Luedtke specific amendment found in this day's Journal was adopted with 30 ayes, 0 nays and 19 not voting.

Advanced to E & R for Engrossment.

MOTION—Return LB 256 to Select File

Mr. Maresh moved to return LB 256 to Select File for the following specific amendment:

1) Insert a new section as follows:
"Sec. ____ . The Department of Public Institutions
at the Youth Development Center – Geneva is hereby
authorized to construct a cottage and demolish Crosby
Cottage with a total project cost not to exceed $246,900.
There is hereby appropriated $246,900 from the Revenue
Sharing Trust Fund for the fiscal year ending June 30, 1974,
for the construction of a new cottage and demolition of
Crosby Cottage."

The motion lost with 11 ayes, 10 nays and 28 not voting.

MOTION—Withdraw LB 313

Mr. Waldron renewed his pending motion to withdraw LB 313 found in the Journal on page 1726 for the Eighty-fourth Day. The motion prevailed.

COMMUNICATION

MILITARY DEPARTMENT OF NEBRASKA
State Civil Defense Agency
1300 Military Road
Lincoln, Nebraska 68508

17 May 1973

MEMO FOR: Governor Exon
FROM: Burl Johnson
RE: Platte River

We completed an air recon of entire Platte, North & South Platte Rivers yesterday.

North Platte River still bank full – but no visible problems.

South Platte. Still lowland flooding at Big Springs. High water but no flooding elsewhere.

Platte. At Brady the Department of Roads now repairing cuts in highway. Flood waters gradually receding.

The crest front is at Grand Island and waters are very high from North Platte down. Water is in channels near Grand Island.

Reservoirs in Wyoming near full. Well into flood pool at Glendo and Corps of Engineers anxious to begin releasing. The Laramie input now down substantially (2,500 CFS). At the state line the flow will be up to 6,000 CFS (or bank full). McConaughy still storing and only 180,000 acre feet below capacity (increase in storage was anticipated after 15 May).

We will now conduct from Lincoln, air recon twice per day, covering the 60 mile long flood crest and the down river stretch. We expect to continue this through Tuesday, 22 May.

No further problems anticipated, unless it rains. There will be a cumulative effect, however, of the continued high water. Farm interests along the Platte will become increasingly irritated at the continued high waters. There will also be an increasing concern about mosquitoes along the river, however, I do not anticipate emergency fund requests for this purpose. Health Department has been advised.

FOR THE DIRECTOR

BMJ:njd

SELECT FILE

LEGISLATIVE BILL 111. Mr. Carpenter offered the following amendment:

1. On page 14 after line 4 insert a new section as follows:

"Sec. 7. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, acording to law."

The amendment was adopted with 26 ayes, 0 nays and 23 not voting.

Mr. Carpenter offered the following amendments:

1. On page 15 after line 4 insert:

"(5) It is the declared policy of the State of Nebraska that it is necessary to regulate and control the sale and distribution of alcoholic liquors within the state for the purpose of protecting the consuming public. In view of the unequal location of disbributors, the mobility of travel, and in order to avoid monopolistic advantages and unfair competition within the state, each distributor, wholesaler, or manufacturer selling alcoholic liquors to retail licensees in the state shall charge to each licensee, F. O. B. the place of destination, a similar price for each brand of alcoholic liquor sold to such retail licensee.

Sec. 4. That section 53-168.02, Revised Statutes of Supplement, 1972, be amended to read as follows:

53-168.02. Within fifteen days after May 22, 1971 each wholesaler, distributor, or manufacturer selling alcoholic liquor to retail licensees in the state shall file with the commission, in such form as prescribed by the commission, a complete schedule of all prices to be charged to retail licensees by such manufacturer, distributor, or wholesaler from ~~the point of shipment~~ F. O. B. the place of destination, for each brand of alcoholic liquor sold to retail licensees in the state by such manufacturer, distributor, or wholesaler. Such schedule shall be duly verified by the manufacturer, wholesaler, or distributor or his duly authorized agent and shall set forth: (1) The unit price per case for all such alcoholic liquor of each brand; and (2) the unit price per bottle, or other container, for all alcoholic liquor of each brand sold in broken case lots, the size of the bottle or container to be specified.".

This section shall become operative on July 1, 1973

2. Renumber original sections 4 to 8 as sections 5 to 9 respectively.

3. On page 18, line 10, strike "and 53-168," and insert ", 53-168, and 53-168.02".

Mr. Carpenter requested a roll call vote.

Voting in the affirmative, 25:

Anderson Barnett Burbach Carpenter C. Carsten
F. Carstens Chambers Clark DeCamp Duis
Epke Fowler Johnson Kremer Marsh

Marvel Moylan Nore Richendifer Savage
Schmit Simpson Stull Waldron Wiltse

Voting in the negative, 14:

Cavanaugh Dickinson Fellman Goodrich Keyes
F. Lewis R. Lewis Proud Rasmussen Skarda
Snyder Stahmer Stromer Syas

Not voting, 10:

Hasebroock Kelly Kennedy Kime Luedkte
Mahoney Maresh Murphy Warner Whitney

The amendments were adopted with 25 ayes, 14 nays and 10 not voting.

Mr. Carpenter offered the following amendments:

1. On page 9 strike lines 5 to 8.
2. On page 10, line 7 after "$500.00" insert a period and strike the remainder of the line; strike lines 8 to 10; in line 25 after "(13)" insert a period and strike the remainder of the line; and strike lines 26 and 27.
3. In sections 7, 8, and 9 reinstate the old matter and strike the new matter.
4. On page 13, line 20 strike "10" and insert "7"; and in line 22 strike "11" and insert "8".
5. On page 18, line 24 strike "12" and insert "9".
6. On page 19, line 3 strike "13" and insert "10".
7. On page 23, strike section 14; and in line 21 strike "15" and insert "11".
8. On page 24, strike section 16; in line 25 strike "17" and insert "12"; and in line 26 strike "53-138.02, 53-140,".
9. On page 25, line 1 strike "53-130,".

The amendments were adopted with 34 ayes, 0 nays and 15 not voting.

Mr. DeCamp offered the following amendment:

To amend page 9 in standing committee amendments, line 24 add the word "all" before counties and strike all words in line 24 after word "counties".

The amendment was adopted with 29 ayes, 0 nays and 20 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 582. Mr. Marvel offered the following amendments which were adopted with 32 ayes, 0 nays and 17 not voting: (Amendments printed and available in the Clerk's Office, separate from the Journal).

EASE

The Legislature was at ease from 3:19 p.m. until 3:26 p.m.

SELECT FILE

LEGISLATIVE BILL 582. Mr. Warner offered the following amendments:

1. Insert a new section to read as follows:

	Fund Distribution in Dollars			
	General (G) Fund	Cash (C) Fund	Federal (F) Fund Estimated	Total Appropriation By Program
"Sec. . That section 79, Legislative Bill 259, Eighty-third Legislature, First Session, 1973, be amended to read as follows:				
Sec. 79. State Board of Technical Community Colleges--Agency No. 83				
(1) Program No. 311--Western Nebraska Technical Community College Area	786,310	227,327	165,500	1,179,137
The total budget for the Western Nebraska Technical Community College Area is $2,078,449. Payment of principal and interest on bonded indebtedness is estimated at $179,266. Capital construction and capital construction on contract expenditures shall not exceed $43,000.				
(2) Program No. 312--Mid-Plains Technical Community College Area	868,772	45,500	64,188	978,460
The total budget for the Mid-Plains Technical Community College Area is $1,670,514. Payment of principal and interest on bonded indebtedness is estimated at $46,400.				
(3) Program No. 313--Central Nebraska Technical Community College Area	2,565,628	64,774	169,277	2,799,679
The total budget for the Central Nebraska Technical Community College Area is $4,989,401. Payment of principal and interest on bonded indebtedness is estimated at $216,900. Capital				

	Fund Distribution in Dollars			
	General (G) Fund	Cash (C) Fund	Federal (F) Fund Estimated	Total Appropriation By Program
construction and capital construction on contract expenditures shall not exceed $525,945.				
(4) Program No. 314-- Northeast Nebraska Technical Community College Area	1,344,963	89,820	40,515	1,465,298
The total budget for the Northeast Nebraska Technical Community College Area is $2,203,730.				
(5) Program No. 315--Southeast Nebraska Technical Community College Area	~~705,048~~ 1,591,738	~~641,932~~ 786,193	~~295,252~~ 396,899	~~1,642,232~~ 2,774,830
The total budget for the Southeast Nebraska Technical Community College Area is ~~$2,803,335~~ $4,664,717. Payment of principal and interest on bonded indebtedness is estimated at $99,002. Capital construction and capital construction on contract expenditures shall not exceed $114,840.				
(6) Program No. 316-~~Lincoln~~ Eastern Nebraska Technical Community College Area	~~886,690~~	~~144,261~~	~~101,647~~	~~1,132,598~~
~~The total budget for the Lincoln Nebraska Technical Community College Area is $1,861,382.~~				
(7) Program No. 318--Omaha Nebraska Technical Community College Area	1,036,563	78,000	55,500	1,170,063
The total budget for the Omaha Nebraska Technical Community College Area is $1,885,084.				
(8) Program No. 534--Office of the State Board	195,150			195,150

	Fund Distribution in Dollars			
	General (G) Fund	Cash (C) Fund	Federal (F) Fund Estimated	Total Appropriation By Program
There is included in Program No. 534 $109,732 in discretionary funds which shall be expended for salary equalization among the technical community colleges or for other extraordinary purposes as approved by the State Board.				
Federal Funds, Cash Funds, and payment of principal and interest on bonded indebtedness shall not be limited to the amounts shown in subsection (1) to (7) of this section.				
All unexpended fund balances existing on June 30, 1973, at any state vocational technical college, area vocational technical school, or junior college district are hereby appropriated to the technical community college area to which the college, school, or district has been assigned by law.				
For informational Purposes only; Total Appropriations to Agency No. 83 and Fund Source	8,379,124	1,291,614	891,879	10,562,617

The amendments were adopted with 31 ayes, 1 nay and 17 not voting.

UNANIMOUS CONSENT–Members Excused

Messrs. Wiltse and C. Carsten asked unanimous consent to be excused the remainder of the day. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 582. Mr. Barnett offered the following amendments:

1. Insert a new section to read as follows

"Sec. . That section 63, Legislative Bill 259, Eighty-third Legislature, First Session, 1973, be amended to read as follows:

Sec. 63. Department of Roads-Nebraska State Patrol--Agency No. 64

	(G) Fund	(C) Fund	(F) Fund	Total
(1) Program No. 189--Command and Support	~~2,686,397~~ 2,688,734			~~2,686,397~~ 2,688,734
(2) Program No. 190--Criminal Investigation	741,698	50,000	284,037	1,075,735
(3) Program No. 191--Deputy Sheriffs-Indian Affairs	34,576			34,576
(4) Program No. 195--Road Operations	~~3,208,232~~ 3,284,379		142,460	~~3,350,692~~ 3,426,839

The unexpended Cash Fund balance existing on June 30, 1973, for the program in subsection (3) of this section is hereby reappropriated.

There is hereby adopted the classification of pay grade C13 for the position of Trooper. The State Personnel Department is directed to make the appropriate administrative changes to implement this pay grade change.

	(G) Fund	(C) Fund	(F) Fund	Total
For Informational Purposes only: Total Appropriations to Agency No. 64 and Fund Source	~~6,670,903~~ 6,749,387	50,000	426,497	~~7,147,400~~ 7,225,884

Mr. Carpenter moved the previous question. The question is, "Shall the debate now cease?" The motion prevailed with 26 ayes, 2 nays and 21 not voting.

The Barnett amendments were adopted with 27 ayes, 8 nays and 14 not voting.

Mr. Duis asked unanimous consent to have LB 582 laid over at this time and consider bills on Select File that have only E & R amendments. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 472. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 423. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 530. E & R amendments found in this day's Journal were adopted.

Laid over.

LEGISLATIVE BILL 114. E & R amendments found in this day's Journal were adopted.

Laid over.

LEGISLATIVE BILL 589. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 236. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 586. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 387. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 261. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 187. E & R amendments found in this day's Journal were adopted.

Laid over.

LEGISLATIVE BILL 306A. Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 400. Placed on Select File as amended.
E & R amendment to LB 400:
1. In the title, in line 5, strike "and"; and in line 5 insert "; and to declare an emergency" after "section".

(Signed) John J. Cavanaugh, Chairman

UNANIMOUS CONSENT—Change of Order

Mr. Duis asked unanimous consent to consider LB 400 on Select File at this time. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 400. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on May 17, 1973 at 2:50 p.m. were the following: LB 45, LB 286, LB 315, LB 341, LB 358, LB 516, LB 528, LB 531, LB 538, LB 542, LB 585, and LB 588.

(Signed) Barbara Jackson, Enrolling Clerk

STANDING COMMITTEE REPORT
Government, Military and Veteran's Affairs

LEGISLATIVE BILL 584. Placed on General File as amended.
Standing Committee amendment to LB 584:
1. On page 2 strike lines 26 and 27 and on page 3 strike lines 1 and 2 and insert "funded by the Departments of Health, Education and Welfare, Labor, and Agriculture, the Office of Economic Opportunity, and the Administration on Aging to".

(Signed) Ernest Chambers, Chairman

RESOLUTION

LEGISLATIVE RESOLUTION 86.

Introduced by Proud, 12th District; R. Lewis, 38th District.

WHEREAS, the Honorable George W. Norris proposed and through his efforts and leadership was successful in installing the nonpartisan Unicameral Legislature in Nebraska; and

WHEREAS, George Norris's Congressional record, which covered 40 years in the United States House of Representatives and Senate brought him reverential respect; and

WHEREAS, Congressman Norris was the author of and led the successful fight for the 20th Amendment to the Federal Constitution; and

WHEREAS, Congressman Norris during his four decades on Capitol Hill, secured passage of the Norris–La Guardia Bill, the Tennessee Valley Authority, and the Rural Electrification Administration (REA); and

WHEREAS, Norris's liberalism was directed towards making the United States a better place for every person to live; and

WHEREAS, a decision must now be made on the future use of the George W. Norris home and furnishings at 706 Norris Avenue, McCook, Nebraska, one of the important historical sites in the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature work toward the establishment of the George W. Norris home with furnishings as a National Historical Site of the U. S. National Park Service.
2. That the U. S. National Park Service be designated as the agency to supervise and preserve the house and furnishings of the late George W. Norris.
3. Be it further resolved that the U. S. National Park Service be encouraged to build a Historical Memorial in honor of George W. Norris in order to assure proper tribute to such a national historical figure.

Laid over.

SELECT FILE

LEGISLATIVE BILL 187. Mr. Kremer offered the following amendment which was adopted with 26 ayes, 0 nays and 23 not voting:

The provisions of this act relating to public notice and public hearings shall not apply to any agency acquiring property on a willing buyer, willing seller basis or by gift or other form of voluntary transfer when no authority exists to exercise eminent domain proceedings.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT–Member Excused

Mr. Stromer asked unanimous consent to be excused Friday, May 18, 1973. No objections. So ordered.

VISITORS

President Marsh introduced His Excellency Mr. Bokonga, Minister of Culture of Zaire.

The following guests were introduced: 18 students and teachers from Trinity Lutheran School, Madison; 90 6th grade students and teachers from Miller Park School, Omaha; 19 students, 16 adults and teacher from Colfax 32R School, Howells; 50 6th grade students and teachers from Hawthorne School, Omaha; Col. Rex Young and members of the Rock Creek Club of Murray; 55 students and teachers from Monroe Junior High, Omaha; 36 4th grade students and teachers from Clay Center; 28 boys, 6 adults and Scoutmaster from Cub Pack No. 43, Kearney; 25 students and teachers from Wynot; 12 members from the Over 60 Club from Valley and 25 students and teacher from Christ Lutheran School, Norfolk.

ADJOURNMENT

At 3:59 p.m., on a motion by Speaker Proud, the Legislature adjourned until 9:00 a.m., Friday, May 18, 1973.

Vincent D. Brown
Clerk of the Legislature

EIGHTY-SIXTH DAY—MAY 18, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

EIGHTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, May 18, 1973

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Marsh presiding.

PRAYER

The prayer was offered by Dr. Edward L. Jeambey, Assistant Pastor, Westminster Presbyterian Church, Lincoln.

> Eternal and Almighty God--the Creator and Sustainer of us all: Help us to meet those conditions that enable us to possess a closer relationship with Thee. Help us to be peacemakers for Thou dids't say: "Blessed are the peacemakers, for they shall be called the children of God." As peacemakers may we rise from creatures of God to sons of God. Thou dids't also say: "Except ye be converted, and becomes as little children, ye shall not enter into the kingdom of heaven". May we humble ourselves as little children that we might become great in Thy sight and great in the Divine kingdom, and so be equipped to do our duty on earth with efficiency, and excellence. Guide and direct us in the affairs and deliberations of the day, and may the conclusions we reach be satisfactory to the claims of righteousness and justice.
>
> Help us, O Lord, to make good grades in our work during the hours of this day. In our Divine Redeemer's name we pray. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Kime and Stromer who were excused.

CORRECTIONS FOR THE JOURNAL

Page 1760, line 41, add "to Select File" after "535".
Page 1761, line 33, correct the spelling of "payments".
Page 1763, line 13, correct the spelling of "subtract".
Page 1770, line 13, correct 768,193 to 786,193.
The Journal for the Eighty-fifth Day was approved as corrected.

UNANIMOUS CONSENT–Members Excused

Mr. Richendifer asked unanimous consent to be excused Friday, June 1. No objections. So ordered.

Mr. Stull asked unanimous consent to be excused this afternoon. No objections. So ordered.

Mr. Proud asked unanimous consent to be excused Friday, May 25. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 535. Replaced on Select File as amended.
E & R amendments to LB 535:

1. In the Duis amendment, line 5, insert "or" before "(d)"; and in line 6, insert "Livestock" after "Nebraska".

LEGISLATIVE BILL 403. Placed on Select File as amended.
E & R amendments to LB 403:

1. In the Stahmer amendments, page 7, line 17, strike "twenty-one" and insert "~~twenty one~~ nineteen".
2. In the Stahmer amendments, page 8, line 7, strike "This includes" and insert "Such definition shall include".
3. In the Stahmer amendments, page 13, line 17, strike "the" and insert "~~the~~".
4. In the title, strike lines 2 to 16 and insert:

"FOR AN ACT to amend sections 43-627, 79-202, and 79-444,
Reissue Revised Statutes of Nebraska, 1943,
and sections 43-604, 43-609, 43-620, 43-625,
and 43-626, Revised Statutes Supplement, 1972,
relating to the care and education of handicapped
children; to provide special education programs;
to fund such programs; to define terms; to
provide an operative date; to repeal the original
sections, and also section 43-610, Reissue Revised
Statutes of Nebraska, 1943, and sections 43-605,
43-612, 43-613, 43-615, 43-615.01, and 43-628,
Revised Statutes Supplement, 1972, and section
43-613.01, Revised Statutes Supplement, 1972,
as amended by section 1, Legislative Bill 336,
Eighty-third Legislature, First Session, 1973,
and section 43-614, Revised Statutes Supplement,
1972, as amended by section 2, Legislative Bill
336, Eighty-third Legislature, First Session,
1973.".

LEGISLATIVE BILL 378. Placed on Select File as amended.
E & R amendments to LB 378:

1. In new section 1, line 38, strike "; Provided," and insert ", except"; in line 39, insert "(a)" after "if"; in lines 41 and 42, strike "; and provided further, that" and insert ", and (b)"; and in line 42 strike "be" and insert "is".

2. In the title, strike lines 2 to 13 and insert:
"FOR AN ACT to amend section 81-217.13, Reissue Revised
Statutes of Nebraska, 1943, relating to the
Department of Agriculture; to provide certain
requirements with respect to the sale of
synthetic meat, fish, or poultry; and to repeal
the original section.".

LEGISLATIVE BILL 524. Placed on Select File as amended.
E & R amendments to LB 524:

1. On page 4, line 2, insert "other" after "the"; and in line 24, insert "Two members shall serve on a part-time basis." after the period.

2. In the title, strike beginning with "83-189" in line 2 through "1943," in line 3, and insert the following after "sections" in line 1 "83-184, 83-189, 83-190, 83-191, and 83-1,119, Reissue Revised Statutes of Nebraska, 1943, and sections 83-1,111 and 83-1,120, Revised Statutes Supplement, 1972,"; in line 5 strike "of the membership"; and in line 9 strike "and" and insert "to change parole procedures; to provide procedures;"; and in line 10 insert "; and to declare an emergency" after "sections".

LEGISLATIVE BILL 87. Placed on Select File as amended.
E & R amendments to LB 87:

1. In standing committee amendment 2, line 1, insert "show as stricken and" after "and"; and in line 12 insert "is" before "any".

2. On page 2, strike the comma in lines 16 and 21 and the period in line 17 and show as stricken; in line 17 insert an underscored period after "board"; insert an underscored comma after "board" in line 21 and "counties" in line 25.

3. On page 3, line 1, strike "build" and show as stricken, and in standing committee amendment 3, line 3, insert "replace" before "such".

4. On page 3, line 8 strike the comma.

5. In standing committee amendment 3, line 7, strike "a" and insert "an underscored"; strike line 11 and "amended" in line 12 and insert "39-2115 to 39-2119"

6. On page 7, line 1, strike the first comma and insert "and"; in line 3 insert "and also section 39-853, Reissue Revised Statutes of Nebraska, 1943," after the second comma.

7. In the title, line 2, strike the first comma and insert "and", and in line 2, strike "39-849,"; in line 3 strike through the third comma; in line 6 strike "or municipal".

(Signed) John J. Cavanaugh, Chairman

UNANIMOUS CONSENT–Change of Order

Mr. Carpenter asked unanimous consent to pass over Final Reading and take up pending motions and bills on Select File. No objections. So ordered.

MOTION–Return LB 256 to Select File

Mr. Proud moved to return LB 256 to Select File for the following specific amendments:

1. Strike the Snyder general file amendment adopted May 14, 1973, appropriating money for a UNO athletic field.
2. Strike the Luedtke general file amendment adopted May 14, 1973 to appropriate money for an Adult Diagnostic and Evaluation Center.
3. Strike the Luedtke General File amendment adopted May 14, 1973 to appropriate money for a Medium-Maximum Correctional Facility – Lincoln
4. Strike the Mahoney General File amendment adopted May 14, 1973 to appropriate money for a medium-maximum correctional facility – Omaha
5. Strike the Burbach General File amendment adopted May 14, 1973 to appropriate money for recreational access roads.
6. Strike the DeCamp General File amendment adopted May 14, 1973 to appropriate money for Flood Control Device – Neligh Mill.
7. Strike the Stull General File amendment adopted May 14, 1973 to appropriate money for improvements to Fort Robinson.
8. Strike the Carpenter General File Amendment to appropriate money for improvements to Lake Minatare.
9. Strike the Waldron General File amendment to appropriate money for land additions to North Platte Experiment Station.

10. Strike the Carpenter General File amendment to appropriate money for improvements to Scottsbluff Experiment Station.

11. Strike the Chambers General File amendment to appropriate money for a Cottage and Reception Center at York Reformatory for Women.

Mr. Carpenter moved the previous question. The question is, "Shall the debate now cease?" The motion lost with 15 ayes, 20 nays and 14 not voting.

Mr. C. Carsten moved the previous question. The question is, "Shall the debate now cease?" The motion prevailed with 26 ayes, 5 nays and 18 not voting.

Mr. Proud moved for a Call of the House. The motion prevailed with 31 ayes, 7 nays and 11 not voting.

The Call showed 47 members present.

Mr. Proud requested a roll call vote.

Voting in the affirmative, 25:

Anderson
C. Carsten
F. Carstens
Clark
Dickinson
Epke
Fellman
Johnson
Kelly
Kennedy
Keyes
Kremer
F. Lewis
R. Lewis
Maresh
Murphy
Nore
Proud
Rasmussen
Savage
Skarda
Stahmer
Warner
Whitney
Wiltse

Voting in the negative, 21:

Barnett
Burbach
Carpenter
Cavanaugh
Chambers
DeCamp
Fowler
Goodrich
Hasebroock
Luedtke
Mahoney
Marsh
Marvel
Moylan
Richendifer
Schmit
Simpson
Snyder
Stull
Syas
Waldron

Not voting, 3:

Duis
Kime
Stromer

The motion prevailed with 25 ayes, 21 nays and 3 not voting.

Mr. Murphy moved to raise the Call. The motion prevailed with 33 ayes, 1 nay and 15 not voting.

SELECT FILE

LEGISLATIVE BILL 256. Mr. Duis requested a division of the question on the Proud specific amendments found in this day's Journal. The Chair ruled that the amendments could be divided and voted on separately.

Mr. Savage moved to reconsider action on returning LB 256 to Select File.

Mr. F. Carstens moved the previous question. The motion prevailed with 29 ayes, 7 nays and 13 not voting.

Mr. Waldron requested a Call of the House. The motion prevailed with 28 ayes, 12 nays and 9 not voting.

The Call showed 47 members present.

Mr. Carpenter requested a roll call vote.

Voting in the affirmative, 26:

Barnett
Burbach
Carpenter
Cavanaugh
Chambers
DeCamp
Duis
Fowler
Goodrich
Hasebroock
F. Lewis
Luedtke
Mahoney
Marsh
Marvel
Moylan
Richendifer
Savage
Schmit
Simpson
Skarda
Snyder
Stull
Syas
Waldron
Warner

Voting in the negative, 21:

Anderson
C. Carsten
F. Carstens
Clark
Dickinson
Epke
Fellman
Johnson
Kelly
Kennedy
Keyes
Kremer
R. Lewis
Maresh
Murphy
Nore
Proud
Rasmussen
Stahmer
Whitney
Wiltse

Not voting, 2:

Kime
Stromer

The motion prevailed with 26 ayes, 21 nays and 2 not voting.

Mr. Waldron moved the Call be raised. The motion prevailed with 29 ayes, 4 nays and 16 not voting.

The Chair ruled that LB 256 has retained its place on E & R Final.

Mr. Dickinson appealed the decision of the Chair. The question is, "Shall the Chair be sustained?" The motion prevailed with 25 ayes, 15 nays and 9 not voting.

The Chair was sustained.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 256. Replaced on Select File as amended.
E & R amendments to LB 256:

1. On page 10, redesignate subdivisions (d) to (h) as (e) to (i) respectively.
2. On page 17, line 22, strike "College" and insert "School".
3. On page 21, line 20, strike "$237,000" and insert "$237,200"
4. In new section 69, line 1, insert "State" after "Nebraska".

LEGISLATIVE BILL 267. Replaced on Select File as amended.
E & R amendment to LB 267:

1. In the Warner amendment 16, line 2, strike the comma.

LEGISLATIVE BILL 275. Replaced on Select File as amended.
E & R amendment to LB 275:

1. In section 1, line 4, insert an underscored semicolon after "Graduate" and strike the first semicolon and show as stricken; and in line 8 strike "Teachers~~'~~ " and insert "Teachers' ".

LEGISLATIVE BILL 387. Replaced on Select File as amended.
E & R amendment to LB 387:

1. On page 2, line 1, strike "sections 1 to 4 of"; and strike the quotation marks in lines 17 and 21.

LEGISLATIVE BILL 187. Replaced on Select File as amended.
E & R amendments to LB 187:

1. In line 1 of the new section added by the Kremer amendment, insert "Sec. 5." before "The" and supply paragraphing.
2. Renumber sections 5 to 7 as sections 6 to 8.
3. In renumbered section 6, line 1, strike "1 to 5" and insert "1 to 6".

LEGISLATIVE BILL 533. Placed on Select File as amended.
E & R amendments to LB 533:

1. Pursuant to the Wiltse amendment, on page 2, line 4, as amended, strike "eight" and insert "~~eight~~ seven".

2. In the Warner amendment 2 to page 2, insert the new matter added by line 1 to 3 of the DeCamp amendment after "Nuckolls" in line 20; in line 17, strike "Boone"; and insert the new matter added by lines 5 to 7 of the DeCamp amendment after "Cuming" in line 15.

3. Pursuant to the Clark amendment, in the Warner amendment to page 2, line 2, insert "including the entire territory of the Gordon high school district," after the third comma in line 5; insert ", including the entire territory of the Hyannis high school district" after "Grant" in line 7; and in line 9 insert "except as provided in subdivision (1) of this section," after the first comma.

4. Pursuant to the Wiltse amendment, in the Warner amendment 2 to page 2, strike beginning with the comma in line 22 through "One" in line 24; in line 31 strike "; and" and insert an underscored period; in line 29, insert "and" after the semicolon; and strike lines 32 and 33.

5. In the Warner amendment to page 8, insert an underscored comma after "act" in line 3; in line 9 insert "numbers of each" after "present"; and in line 11 strike the comma.

6. On page 12, insert "area" at the end of line 6; insert an underscored comma at the end of line 7, and after "If" in line 13 and "term" in line 17; in line 9 strike "said" and insert "such"; and in line 12 insert "made".

7. In the Warner amendment to page 14, strike the comma in line 7; and in line 8 insert "often" after "less".

8. In lieu of the new section added by the Clark amendment, insert a new section to read:

"Sec. 7. No junior college or area vocational technical school shall enter into any construction contract until after the new technical community college board is appointed pursuant to section 79-2617.".

9. Insert a new section to read:

"Sec. 8. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration of invalidity shall not affect the validity of the remaining portions thereof.".

10. Renumber original sections 7 and 8 as sections 9 and 10.

11. On page 5, line 5, insert ", as amended by section 1, Legislative Bill 248, Eighty-third Legislature, First Session, 1973" after "1943"; on page 7, line 26, strike "and" and after line 26, insert:

"(9) To pay expenses for recruitment of the State Technical Community College Director, academic, administrative, professional, and managerial personnel; and"; and on page 8, line 1, strike "(9)" and insert "(10)".

12. On page 14, lines 17 and 18, strike ", 79-2604, and 79-2616" and insert "and 79-2604"; in line 19, strike the first "and"; and in line 20, insert ", and section 79-1616, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 248, Eighty-third Legislature, First Session, 1973" after "1972".

13. In the title, lines 2 and 3, strike ", 79-2604, and 79-2616" and insert "and 79-2604"; in line 4, strike the first "and"; in line 5 insert ", and section 79-2616, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 248, Eighty-third Legislature, First Session, 1973" after "1972"; strike beginning with the second "to" in line 6 through the semicolon in line 10 and insert "to place the entire state into college areas; to delete obsolete matter; to provide for college boards as prescribed;"; and in line 11 insert "to prohibit certain construction contracts; to provide severability;" after the semicolon.

Correctly Engrossed

The following bill was correctly engrossed: 366.

(Signed) John J. Cavanaugh, Chairman

ATTORNEY GENERAL OPINION

Opinion No. 55
May 18, 1973

Senator Richard Maresh
Nebraska State Legislature
State Capitol
Lincoln, Nebraska

Dear Senator:

On 11 May 1973 Senator Burbach offered the following amendment on that date to L. B. 472:

> "(1) In addition to the amounts specified in section 3 and 4 of this act, an additional amount shall be appropriated by the legislature to provide assistance to those school districts who, because of their unique geographic and demographic

> characteristics, have a high cost per pupil, but receive very little state aid. This additional aid shall be provided to such school districts only if their current operating expenditures for the preceding year exceeded $1,000 per pupil and the school district offered instruction in grades K-12.
>
> "(2) The State Department of Education shall establish rules and regulations for the distribution of the funds provided for in this section. The Department of Education shall consider such factors as: (a) Valuation per pupil (b) student teacher ratio (c) local effort and (d) other sources of assistance available."

This letter is in response to your request for our opinion on the constitutionality of the above quoted amendment. In connection therewith we note that the amendment declares that the Legislature shall appropriate additional financial assistance to those school districts who, "because of their unique geographic and demographic characteristics, have a high cost per pupil, but receive very little state aid." We also note that the amendment does not declare what constitutes "unique geographic and demographic characteristics" nor does it define what constitutes "a high cost per pupil" nor does it define what constitutes "very little state aid." To supply such defects requires legislation. In such cases it is well settled law that where a legislative act is incomplete, so that it cannot be complied with without additional provisions that are not indicated by the act itself, the courts cannot supply such defects so as to give constitutional validity to the act. State v. Reneau, 75 Neb. 1, 106 N. W. 451 (1905). Consequently we are of the opinion that the constitutionality of Senator Burbach's amendment to L. B. 472 on 11 May 1973 would be very difficult, if not impossible, to defend.

Very truly yours,

CLARENCE A. H. MEYER
Attorney General

(Signed) Harold Mosher
Assistant Attorney General

HM:jc

cc: Vincent D. Brown
Clerk of the Legislature

UNANIMOUS CONSENT—Member Excused

Mr. F. Carstens asked unanimous consent to be excused for the remainder of today. No objections. So ordered.

STANDING COMMITTEE REPORT
Judiciary

LEGISLATIVE BILL 575. Indefinitely postponed.

(Signed) Roland A. Luedtke, Chairman

UNANIMOUS CONSENT—Member Excused

Mr. Kremer asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 535. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Re-engrossment.

LEGISLATIVE BILL 403. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 378. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 524. E & R amendment found in this day's Journal was adopted.

Mr. Cavanaugh offered the following amendments which were adopted with 25 ayes, 0 nays and 24 not voting:

1. On page 1, in lines 11 and 12 reinstate the stricken matter.
2. On page 3, in line 19 after "act" insert "; Provided, that the terms of such new members shall not commence until September 9, 1973".
3. On page 8, in lines 22 and 23 strike "to be represented by counsel,"; and after line 25 insert "The parolee shall be informed of his right to request counsel at such hearing, and if he thereafter makes such request, based on a timely and colorably claim (1) that he has not committed the alleged violation of the conditions upon which he is at liberty, or (2) that, even if the violation is a matter of public record or is uncontested, there are substantial reasons which justified or mitigated the violation and made revocation inappropriate and that the reasons are complex or otherwise difficult to develop or present, and upon consideration of whether or not the parolee appears to be capable of speaking effectively for himself, the board in the exercise of a sound discretion may provide counsel unless retained counsel is available to the parolee. In

every case where a request for counsel is refused, the grounds for refusal shall be stated in the record.".

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 87. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 256. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment with 25 ayes, 10 nays and 14 not voting.

LEGISLATIVE BILL 267. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 275. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 387. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 187. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 533. E & R amendment found in this day's Journal was adopted.

Mr. Clark offered the following amendment which was adopted with 25 ayes, 0 nays and 24 not voting:

1. In E & R amendment 3, line 3, strike "district" and insert "and rural high school districts"; and in line 5 strike "district" and insert "and rural high school districts and the Hyannis and Ashby elementary school districts".

Mr. Wiltse moved to reject the following F. Carstens amendment:
1. Strike the Wiltse amendment found on page 1703 of the Journal and strike any Enrollment and Review amendment pursuant thereto.

The motion prevailed with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Member Excused

Mr. Marvel asked unanimous consent to be excused from 12:00 noon until 2:00 p.m. No objections. So ordered.

RECESS

At 11:39 a.m., on a motion by Mr. Carpenter, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:31 p.m., President Marsh presiding.

The roll was called and all members were present except Messrs. F. Carstens, Kime, Kremer, Stromer and Stull who were excused; Mr. Moylan who was excused until he arrives; Mr. Marvel who was excused until 2:00 p.m.; and Chambers who was absent until 2:15 p.m.

MESSAGES FROM THE GOVERNOR

May 17, 1973

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 311 and 484.

These Bills were signed by me on May 17, 1973 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

May 18, 1973

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

In the past few days, there have been amendments to LB 582 by Senator Carpenter and Senator Marvel to prevent the Department of Administrative Services from accepting competitive bidding on computer services for the State of Nebraska.

I wish to alert the Senators and your constitutents to the fact that the acceptance of such amendments would lock in the state of Nebraska to one supplier and one supplier only, International Business Machines, for such equipment that presently costs the taxpayers of Nebraska approximately $1.5 million per year.

While such amendments would be good for IBM, it would thwart the competitive bidding process and prevent the state from accepting lower bids for such equipment and services.

As you know, we now have an independent group of computer experts from outside Nebraska, recommended and supplied by the Council of State Governments, to review our computer arrangements and to recommend any possible changes and what the best bid might be.

With the staunch opposition of Senator Marvel and Senator Carpenter, the administration has offered bids for computer services, and we have bids from three recognized leaders in the industry. These firms include International Business Machines, the Honeywell Corporation, and Univac. The administration certainly has not ruled out the possibility that International Business Machines will proceed with their services to the State of Nebraska, and we were pleased to note that their bid to the Department of Administrative Services was several hundred thousand dollars less per year than presently charged. It is our feeling that the experts by the completely independent and neutral source, the Council of State Governments, are far better equipped to make recommendations on computer requirements and competitive prices to the State of Nebraska than either Senator Marvel or Senator Carpenter, the latter of whom has admitted on the Legislative floor that he knows nothing whatsoever about computers and their uses.

I urge caution in accepting the amendments of either Senator Carpenter or Senator Marvel in this area.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:fw

MOTION—Rule Change

Mr. Johnson offered the following rule change:

Rule 6, Sec. 2(g) Any rule to the contrary notwithstanding any motion to amend a bill which appropriates funds of any nature shall require a majority vote of the elective members.

Referred to the Rules Committee.

MOTION—Suspend the Rules

Mr. Duis moved to suspend the Rules to allow the following bills on Select File be amendable by a majority of those voting and advanced with 25 votes the same as on General File: 526, 529, 530 and 114.

Mr. Duis moved for a Call of the House. The motion prevailed with 19 ayes, 13 nays and 17 not voting.

Mr. Duis moved the Call be raised. The motion prevailed with 28 ayes, 6 nays and 15 not voting.

The Duis motion lost with 15 ayes, 17 nays and 17 not voting.

SELECT FILE

LEGISLATIVE BILL 581. Mr. Carpenter offered the following amendment:

1. Insert the following new material in Section 16, following subsection (2):

"Neither the Governor nor the Director of Administrative Services shall enter into any major new contract or cancel any such contract for the acquisition, whether by purchase, lease, or lease-purchase, of any electronic data processing equipment under this appropriation, and adjustments to any existing contract may be made only for the purposes of effecting cost savings, implementing major new computer applications, or both. For purposes of this section, major contract shall mean one in which the cost to the state will exceed fifty thousand dollars in any one year."

The amendment lost with 16 ayes, 17 nays and 16 not voting.

Mr. Marvel offered the following amendments:

1. On page 3, line 2, insert ", as amended by section 1, Legislative Bill 253, Eighty-third Legislature, First Session, 1973" after "1972"; both places in line 5, strike "512,908" and insert "~~512,908~~ 603,684"; both places in line 8, strike "43,970" and

insert "44,970"; in line 10, strike "335,037" and insert "~~335,037~~ 341,397" and strike "397,812" and insert "~~397,812~~ 404,172"; and in line 15, strike "891,915" and insert "990,051" and strike "954,690" and insert "1,052,826".

2. On page 9, line 3, insert ", as amended by section 4, Legislative Bill 253, Eighty-third Legislature, First Session, 1973" after "1972"; in line 7, strike "~~670,942~~" and "~~1,929,784~~" and insert "~~682,663~~" and "~~1,941,505~~"; in line 8, strike "681,942" and "1,968,784" and insert "693,663" and "1,980,505".

3. On page 10, line 2, strike "~~1,454,711~~" and "~~4,327,304~~" and insert "~~1,581,776~~" and "~~4,339,025~~"; and in line 3, strike "1,581,776" and "4,482,369" and insert "1,593,497" and "4,494,090".

4. On page 10, line 5, insert ", as amended by section 2, Legislative Bill 1499A, Eighty-second Legislature, Second Session, 1972" after "1972"; in line 12, strike "~~6,837,575~~" and insert "~~6,797,982~~"; in line 13, strike "5,858,683" and insert "5,819,090" and strike "6,862,575" and insert "6,822,982".

5. On page 11, line 20, strike "~~37,818,156~~" and insert "~~36,918,562~~"; and in line 21, strike "19,895,644" and insert "19,796,051" and strike "37,068,155" and insert "36,968,562".

6. On page 12, line 12, insert ", as amended by section 5, Legislative Bill 253, Eighty-third Legislature, First Session, 1973" after "1972"; on page 12, line 23, and page 13, line 4, strike "~~321,884~~" in all places and insert "~~331,728~~"; on page 13, line 4, strike "~~380,511~~" and insert "~~390,355~~"; on page 12, line 24, and page 13, line 5, strike "342,114" in all places and insert "351,958"; on page 13, line 5, strike "400,741" and insert "410,585"; and on page 13, after line 2, insert:

"There is included $9,844 for payment to the Missouri River Basin Commission for Nebraska's portion of the administrative costs of the Commission."

7. On page 5, line 12, insert ", as amended by section 1, Legislative Bill 1413A, Eighty-second Legislature, Second Session, 1972" after "1972"; in line 22, strike "~~433,091~~" and "~~604,326~~" and insert "~~329,950~~" and "~~779,931~~"; in line 23, strike "413,091" and "584,326" and insert "309,950" and "759,931".

8. On page 6, line 2, strike "$443,337" and insert "$492,228"; and after line 2 insert:

"Provided that no General Fund expenditures shall be made for subprogram 021, Weights and Measures."

9. On page 9, line 23, strike "~~1,248,435~~", "~~1,129,464~~", and "~~2,695,597~~" and insert "~~1,145,294~~", "~~1,408,210~~" and "~~2,871,202~~"; and strike the new matter in line 24 and insert "1,151,257", "1,409,099" and "2,878,054" in the respective columns.

10. On page 24, line 4, insert ", as amended by section 2, Legislative Bill 1334A, Eighty-second Legislature, Second Session, 1972" after "1972".

11. On page 25, strike line 6 and renumber subsections (6) to (9) as subsections (5) to (8) respectively.

12. On page 47, line 14, insert ", as amended by section 1, Legislative Bill 1389A, Eighty-second Legislature, Second Session, 1972" after "1972".

13. On page 48, line 18, strike "thirty-eight" and insert "~~thirty-eight~~ forty-five" and strike "853,784" and insert "~~853,784~~ 1,011,060".

14. On page 49, line 10, strike "75,960" and insert "88,438".

15. On page 50, line 10, strike "4," and "16,"; in line 11, strike "18, 23,", "27,", and "60"; in line 13, after "1972" insert "sections 4, 18, and 27, Legislative Bill 1476, Eighty-second Legislature, Second Session, 1972, as amended by sections 1, 4, and 5, respectively, Legislative Bill 253, Eighty-third Legislature, First Session, 1973, section 16, Legislative Bill 1476, Eighty-second Legislature, Second Session, 1972, as amended by section 1, Legislative Bill 1413A, Eighty-second Legislature, Second Session, 1972, section 23, Legislative Bill 1476, Eighty-second Legislature, Second Session, 1972, as amended by section 2, Legislative Bill 1499A, Eighty-second Legislature, Second Session, 1972, section 60, Legislative Bill 1476, Eighty-second Legislature, Second Session, 1972, as amended by section 2, Legislative Bill 1334A, Eighty-second Legislature, Second Session, 1972 "; and in line 18, after "1972" insert ", as amended by section 1, Legislative Bill 1389A Eighty-second Legislature, Second Session, 1972".

16. In the title, line 2, strike "4,"; in line 3, strike "16,", "18, 23,", and "27,"; in line 4, strike "60,"; in line 5, after "1972" insert "sections 4, 18, and 27, Legislative Bill 1476, Eighty-second Legislature, Second Session, 1972, as amended by sections 1, 4, and 5, respectively, Legislative Bill 253, Eighty-third Legislature, First Session, 1973, section 16, Legislative Bill 1476, Eighty-second Legislature, Second Session, 1972, as amended by section 1, Legislative Bill 1413A, Eighty-second Legislature, Second Session, 1972, section 23, Legislative Bill 1476, Eighty-second Legislature, Second Session, 1972, as amended by section 2, Legislative Bill 1499A, Eighty-second Legislature, Second Session, 1972, section 60, Legislative Bill 1476, Eighty-second Legislature, Second Session, 1972, as amended by section 2, Legislative Bill 1334A, Eighty-second Legislature, Second Session, 1972"; and in line 14, after "1972", insert ", as amended by section 1, Legislative Bill 1389A, Eighty-second Legislature, Second Session, 1972".

The amendments were adopted with 26 ayes, 1 nay and 22 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 582. Mr. Mahoney offered the following amendment:

1) Insert a new section to read as follows:

"Sec. . That section 31, Legislative Bill 259, Eighty-third Legislature, First Session, 1973, be amended to read as follows:

Sec. 31. Game and Parks Commission -- Agency No. 33

	(G) Fund	(C) Fund	(F) Fund	Total
(1) Program No. 325 -- Boat Administration, Education and Enforcement		~~117,152~~ 119,398		~~117,152~~ 119,398
(2) Program No. 336 -- Wildlife Conservation		~~4,299,469~~ 4,318,276		~~4,299,469~~ 4,318,276
(3) Program No. 549 -- Parks - Administration and Operation	~~1,228,828~~ 1,234,469	300,000		~~1,528,828~~ 1,534,469
(4) Program No. 550 -- Special Federal Aid Programs	187,123	38,000		225,123
(5) Program No. 617 -- Engineering and Area Maintenance	769,760	300,000		1,069,760

The unexpended Cash Fund balances existing on June 30, 1973, in subsections (1) to (5) of this section are hereby reappropriated.

There is hereby adopted the classification of pay grade C13 for the position of Conservation Officer I. The State Personnel Department is directed to make the appropriate administrative changes to implement this pay grade change.

	(G) Fund	(C) Fund	(F) Fund	Total
For Informational Purposes only: Total Appropriations to Agency No. 33 and Fund Source	~~2,185,711~~	~~5,054,621~~		~~7,240,332~~
	2,191,352	5,075,674		7,267,026

The amendment was adopted with 25 ayes, 7 nays and 17 not voting.

Mr. Mahoney offered the following amendment:
Sec. 13 page 12, delete paragraph starting with line 19 through line 8 page 13.

The amendment was adopted with 27 ayes, 0 nays and 22 not voting.

Mr. Marvel offered the following amendments:
1) Insert a new section to read as follows:

"Sec. . That section 29, Legislative Bill 259, Eighty-third Legislature, First Session, 1973, be amended to read as follows:

Sec. 29. Military Department -- Agency No. 31

	Fund Distribution in Dollars			
	General (G) Fund	Cash (C) Fund	Federal (F) Fund Estimated	Total Appropriation By Program
(1) Program No. 192 -- Governor's Emergency Program	350,000		530,000	880,000
The unexpended General Fund balance existing on June 30, 1973, is hereby reappropriated, which funds shall be in addition to the amount shown in column (G).				
(2) Program No. 544 -- National and State Guard and General Support	753,427	85,500		838,927
(3) Program No. 545 -- Civil Defense	147,622	2,470	350,308	500,400
(4) Program No. 565 -- Emergencies and Incidentals	25,000			25,000
The unexpended Cash Fund balances existing on June 30, 1973, in subsections (1) to (4) of this section are hereby reappropriated.				
For Informational Purposes only: Total Appropriations to Agency No. 31 and Fund Source	1,276,049	87,970	880,308	2,244,327

The amendments were adopted with 31 ayes, 0 nays and 18 not voting.

UNANIMOUS CONSENT–Print in Journal

Mr. Marvel asked unanimous consent to have the following letter from the Governor printed in the Journal at this time. No objections. So ordered.

May 16, 1973

The Honorable Richard F. Proud
Speaker of the Legislature
State Capitol
Lincoln, Nebraska

Dear Senator Proud:

I appreciate the support of several Senators concerning offers of assistance in regard to the Emergency Fund.

With the expenditures we have authorized in regard to the present flooding on the Platte, I recommend that the Legislature reappropriate the unexpended balance in the Emergency Fund for fiscal year 1972-73.

This coupled with my budget recommendations will allow a fund of approximately $500,000 for emergency expenditures. This will not be expended unless a real emergency should occur.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:sa

SELECT FILE

LEGISLATIVE BILL 582. Mr. Marvel offered the following amendment:

1) Insert a new section to read as follows:

"Sec. . That section 92, Legislative Bill 259, Eighty-third Legislature, First Session, 1973, be amended to read as follows:

"Sec. 92. Refund and Distributive Funds

The receipts for the year ending June 30, 1974, inuring to the several funds for which appropriations are not otherwise made in this act, together with any unexpended balances on hand on the effective date of this act are hereby specifically appropriated to each of said funds, respectively:

(1) State Treasurer: Car Line Refund Fund, Special Mail Route Fund, Insurance Tax Fund, Gasoline Tax Fund, Highway Allocation Fund, Highway Trust Fund, County and City Road

Improvement Fund, Aircraft Fuel Tax Fund, Severance Tax Fund, County Distribution Fund, Special Fuel Tax Fund, Governmental Subdivision Fund, Personal Property Tax Relief Fund, and Suspense Fund; (2) Department of Education: Public Grazing Fund, Forest Reserve Fund, Flood Control Fund, Temporary School Fund, and Economic Opportunity Program; (3) Tax Commissioner: Estate Tax Fund, Tax Refund Fund, Agricultural Gasoline Tax Refunds, Gasoline Refunds, Aircraft Tax Refunds, and Aircraft Tax Refunds – Air School; (4) Department of Administrative Services: Imprest Payroll Fund, Social Security Contribution Fund, and Sundry Claims Fund; (5) Department of Public Welfare: Commodity Distribution Fund; and (6) State Claims Board: Workmen's Compensation Claims Fund.

The amendment was adopted with 26 ayes, 0 nays and 23 not voting.

Mr. Schmit offered the following amendments:

1) Insert the following new sections:

Section . That section 49, Legislative Bill 259, Eighty-third Legislature, First Session, 1973, be amended to read as follows:

Sec. 49. University of Nebraska - Lincoln Campus -- Agency No. 51-1

		Fund Distribution in Dollars		
	General (G) Fund	Cash (C) Fund	Federal (F) Fund Estimated	Total Appropriation By Program
(1) Program No. 711 -- Instruction and Research Support	~~14,791,728~~ 14,874,728	11,850,928	717,235	~~27,359,891~~ 27,442,891
Revolving Fund expenditures for this program are estimated at $403,111.				
(2) Program No. 712 -- Extension	881,486	25,000		906,486
Revolving Fund expenditures for this program are estimated at $1,759,565.				
(3) Program No. 713 -- Operation and Maintenance of Physical Plant	4,544,099	284,900		4,828,999
Revolving Fund expenditures for this program are estimated at $47,569.				
(4) Program No. 714 -- Administration and General Expense	2,189,354	198,000		2,387,354
Revolving Fund expenditures for this program are estimated at $204,614.				
(5) Program No. 741 -- Federal Letter of Credit-Lincoln			6,000,000	6,000,000
(6) Program No. 742 -- Federal Grants–Lincoln Campus			4,500,000	4,500,000

	Fund Distribution in Dollars			
	General (G) Fund	Cash (C) Fund	Federal (F) Fund Estimated	Total Appropriation By Program
(7) Program No. 719 -- Chancellor's Discretionary Fund	272,964			272,964
Provided, that funds of this program shall be used for extraordinary salary adjustments or other improvements upon approval of the President and the Board of Regents.				
The unexpended Cash Fund balances existing on June 30, 1973, in subsections (1) to (7) of this section are hereby reappropriated.				
For Informational Purposes only: Total Appropriations to Agency No. 51-1 and Fund Source	~~22,679,631~~ 22,762,631	12,358,828	11,217,235	~~46,255,694~~ 46,338,694
Sec. . That section 51, Legislative Bill 259, Eighty-third Legislature, First Session, 1973, be amended to read as follows:				
Sec. 51. University of Nebraska-Medical Center -- Agency No. 51-3				
(1) Program No. 731 -- Instruction, Research, and Treatment Support	~~7,380,432~~ 7,681,633	10,966,680	1,203,150	~~19,550,262~~ 19,851,463
Revolving Fund expenditures for this program are estimated at $31,411.				
Included in the Cash Fund appropriation is $800,000 in physician fees from nonreferred patients.				
(2) Program No. 732 -- Extension	423			423

	Fund Distribution in Dollars			
	General (G) Fund	Cash (C) Fund	Federal (F) Fund Estimated	Total Appropriation By Program
Revolving Fund expenditures for this program are estimated at $129,589.				
(3) Program No. 733 -- Operation and Maintenance of Physical Plant	2,024,533			2,024,533
(4) Program No. 734 -- Administration and General Expense	666,577	357,635		1,024,212
Revolving Fund expenditures for this program are estimated at $62,720.				
(5) Program No. 744 -- Federal Letter of Credit-Medical Center			4,000,000	4,000,000
(6) Program No. 745 -- Federal Grants - Medical Center			500,000	500,000
(7) Program No. 739 - Chancellor's Discretionary Fund	105,234			105,234
Provided, that funds of this program shall be used for extraordinary salary adjustments or other improvements upon the approval of the President and the Board of Regents.				
The unexpended Cash Fund balances existing on June 30, 1973, in subsections (1) to (7) of this section are hereby reappropriated.				
For Informational Purposes Only: Total Appropriations to Agency No. 51-3 and Fund Source	~~10,177,199~~ 10,478,400	11,324,315	5,703,150	~~27,204,664~~ 27,505,865

Mr. Kelly requested a division of the question.

Mr. Kelly requested a Call of the House. The motion prevailed with 21 ayes, 1 nay and 27 not voting.

The Call showed 42 members present.

Mr. Wiltse moved the Call be raised. The motion prevailed with 32 ayes, 1 nay and 16 not voting.

The Schmit amendment to Sec. 49, Agency No. 51-1 was adopted with 26 ayes, 12 nays and 11 not voting.

Mr. Proud requested a record vote on the remainder of the Schmit amendment.

Voting in the affirmative, 12:

Fellman
Fowler
Goodrich
Johnson
F. Lewis
Marsh
Moylan
Nore
Schmit
Stahmer
Syas
Waldron

Voting in the negative, 18:

Burbach
C. Carsten
Clark
Dickinson
Duis
Epke
Kelly
Keyes
R. Lewis
Maresh
Marvel
Proud
Richendifer
Skarda
Snyder
Warner
Whitney
Wiltse

Not voting, 19:

Anderson
Barnett
Carpenter
F. Carstens
Cavanaugh
Chambers
DeCamp
Hasebroock
Kennedy
Kime
Kremer
Luedtke
Mahoney
Murphy
Rasmussen
Savage
Simpson
Stromer
Stull

The remainder of the Schmit amendment lost with 12 ayes, 18 nays and 19 not voting.

Mr. Carpenter offered the following amendment:

1. Insert the following new section:

"Sec. . That section 29, Legislative Bill 259, Eighty-third Legislature, First Session, 1973, be amended to read as follows:

	(G) Fund	(C) Fund	(F) Fund	Total
Sec. 29. Military Department -- Agency No. 31				
(1) Program No. 192 -- Governor's Emergency Program	350,000		530,000	880,000
(2) Program No. 544 -- National and State Guard and General Support	753,427	85,500		838,927
(3) Program No. 545 -- Civil Defense	~~147,622~~ 247,622	2,470	350,308	~~500,400~~ 600,400
There is included $100,000 General Funds to assist the Nebraska Wing of the Civil Air Patrol in obtaining, improving, and rehabilitating aircraft, vehicles, and communications equipment and services.				
(4) Program No. 565 -- Emergencies and Incidentals	25,000			25,000
The unexpended Cash Fund balances existing on June 30, 1973, in subsections (1) to (4) of this section are hereby reappropriated.				
For Informational Purposes only: Total Appropriations to Agency No. 31 and Fund Source	~~1,276,049~~ 1,376,049	87,970	880,308	~~2,244,327~~ 2,344,327

Mr. Proud requested a record vote.

Voting in the affirmative, 12:

Carpenter Goodrich Hasebroock F. Lewis Luedtke
Marsh Moylan Nore Schmit Simpson
Syas Wiltse

Voting in the negative, 13:

C. Carsten Cavanaugh Clark Dickinson Fowler
Kennedy Keyes Maresh Proud Richendifer
Savage Stahmer Whitney

Not voting, 24:

Anderson Barnett Burbach F. Carstens Chambers
DeCamp Duis Epke Fellman Johnson
Kelly Kime Kremer R. Lewis Mahoney
Marvel Murphy Rasmussen Skarda Snyder
Stromer Stull Waldron Warner

The amendment lost with 12 ayes, 13 nays and 24 not voting.

Mr. Richendifer offered the following amendment:
Add the severability clause.

The amendment was adopted with 25 ayes, 1 nay and 23 not voting.

Mr. F. Lewis offered the following amendments:

1. Insert $60,000 general fund under columns (g) and Total in Program No. 316 - Eastern Nebraska Technical Community College Area;

2. By reinstating the stricken paragraph, by striking "Lincoln" and inserting "Eastern", by striking "1,861,382" and insert $660,000".

The amendment was adopted with 27 ayes, 6 nays and 16 not voting.

Mr. Murphy offered the following amendment:

1. Insert a new section to read as follows:

"Sec. . That section 48, Legislative Bill 259, Eighty-third Legislature, First Session, 1973, be amended to read as follows:

	Fund Distribution in Dollars			
	General (G) Fund	Cash (C) Fund	Federal (F) Fund Estimated	Total Appropriation By Program
Sec. 48. Wayne State College -- Agency No. 50-4				
(1) Program No. 204 -- Instructional Services	533,662	992,977		1,526,639
(2) Program No. 214 -- General Institutional Operations	948,363	69,477		1,017,840
(3) Program No. 224 -- Related Instructional and Student Services	~~371,351~~ 489,351	69,420	307,750	~~748,521~~ 866,521
(4) Program No. 244 -- Auxiliary Enterprises				

Revolving Fund expenditures for this program are estimated at $342,459.

The unexpended Cash Fund balances existing on June 30, 1973, for the programs in subsections (1) to (3) of this section are hereby reappropriated.

Cash Fund expenditures shall not be limited to the amount shown in Column (C) of subsection (3) of this section.

	General (G) Fund	Cash (C) Fund	Federal (F) Fund Estimated	Total Appropriation By Program
For Informational Purposes only: Total Appropriations to Agency No. 50-4 and Fund Source	~~1,853,376~~ 1,971,376	1,131,874	307,750	~~3,293,000~~ 3,411,000

The amendment was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Engrossment with 30 ayes, 1 nay and 18 not voting.

UNANIMOUS CONSENT—Members Excused

Messrs. Wiltse, DeCamp and Waldron asked unanimous consent to be excused the remainder of the day. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 562. Replaced on Select File as amended.
E & R amendment to LB 562:

1. On page 125, line 25, strike "32-306" and insert "32-206".

LEGISLATIVE BILL 524. Replaced on Select File as amended.
E & R amendments to LB 524:

1. In lieu of the Cavanaugh amendment 1, strike section 1 and renumber sections 2 to 9 as sections 1 to 8; and in standing committee amendments, page 9, line 23, strike "83-184,".
2. In lieu of the Cavanaugh amendment 2, in standing committee amendments, page 4, line 15, insert "for terms to commence on September 9, 1973" after "act".
3. In line 1 of the Cavanaugh amendment 3, strike "page 8, lines 22 and 23" and insert "page 9, lines 19 and 20"; in line 2, strike "25" and insert "22"; and in line 12, strike "where" and insert "when".
4. In the title, line 9, insert "to provide the right to counsel;" following the previous amendment thereto.

LEGISLATIVE BILL 172. Replaced on Select File as amended.
E & R amendments to LB 172:

(Note: The Lewis amendments adopted 5/17 refer to the Final Reading bill.)

1. In the Lewis amendments, page 2, line 19, strike "then"; and in line 27, strike the comma.
2. In the Lewis amendments, page 3, lines 5 and 26, strike "then"; in line 15, strike the comma; and in line 25, strike "less" and insert "a lower".
3. In the Lewis amendments, page 4, line 22, strike "then that" and insert "it".
4. In the title, as amended, line 6, insert "to provide standards; to provide for budget increases;" before "and".

LEGISLATIVE BILL 111. Replaced on Select File as amended.

E & R amendments to LB 111:

1. In lieu of the Carpenter amendment 3 to standing committee amendments, strike standing committee amendment 9.

2. In the Carpenter amendments to standing committee amendments, strike amendments 4 to 9.

3. Renumber section 10 as section 7.

4. In lieu of the new matter added to lines 2 to 10 of the second Carpenter amendment 1 adopted 5/17, insert a new section to read:

"Sec. 8. That section 53-168, Revised Statutes Supplement, 1972, be amended to read as follows:

53-168. (1) It shall be unlawful for any person having a retailer's license to sell beer to accept credit for the purchase of beer from any manufacturer, distributor, or wholesaler of beer and for any person having a retailer's license to sell alcoholic liquor, or any officer, associate, member, representative, or agent of such licensee, to accept, receive, or borrow money or anything else of value or to accept or to receive credit, other than merchandising credit in the ordinary course of business for a period not to exceed thirty days, or to accept any discount, rebate, free goods, allowances, or other inducement of any kind whatsoever directly or indirectly, from (a) any person, partnership, or corporation engaged in the manufacturing, distributing, or wholesaling of such liquor, (b) from any person connected with or in any way representing such manufacturer, distributor, or wholesaler, (c) from any member of the family of such manufacturer, distributor, or wholesaler, (d) from any stockholders in any corporation engaged in manufacturing, distributing, or wholesaling of such liquor, or (e) from any officer, manager, agent, or representative of such manufacturer, distributor, or wholesaler.

(2) It shall be unlawful for any manufacturer, distributor, or wholesaler to give or lend money or anything of value or otherwise loan or extend credit, except the merchandising credit referred to in subsection (1) of this section, directly or indirectly, to any such licensee or to the manager, representative, agent, officer, or director of such licensee.

(3) It shall be unlawful for any manufacturer, distributor, or wholesaler to grant to a retailer licensed under this section to sell alcoholic liquors,

directly or indirectly, any discount, rebate, free goods, allowances or other inducement of any kind whatsoever, except as provided in subsection (1) of this section.

(4) If any recipient of a license to sell alcoholic liquors at retail or wholesale shall violate any of the provisions of subsection (1), (2), or (3) of this section, his license shall be suspended or revoked by the commission in the manner provided by law for revocation or suspension for other violations of the laws of the state.

(5) It is the declared policy of the State of Nebraska that it is necessary to regulate and control the sale and distribution of alcoholic liquors within the state for the purpose of protecting the consuming public. In view of the unequal location of distributors, the mobility of travel, and in order to avoid monopolistic advantages and unfair competition within the state, each distributor, wholesaler, or manufacturer selling alcoholic liquors to retail licensees in the state shall charge to each licensee, F.O.B. the place of destination, a similar price for each brand of alcoholic liquor sold to such retail licensee.".

5. Renumber section 4 added by the Carpenter amendment as section 9.

6. Renumber sections 11 and 13 as sections 10 and 11 and the emergency clause as section 12.

7. Strike the Carpenter amendments 2 and 3 adopted 5/17.

8. Amend section 11 to read:

"Sec. 11. That original sections 53-123.04, 53-124, 53-124.03, and 53-160.08, Reissue Revised Statutes of Nebraska, 1943, and sections 53-103, 53-112, 53-125, 53-164.01, 53-168, and 53-168.02, Revised Statutes Supplement, 1972, are repealed.".

9. In the title, strike lines 2 to 16 and insert:

"FOR AN ACT to amend sections 53-123.04, 53-124, 53-124.03, and 53-160.08, Reissue Revised Statutes of Nebraska, 1943, and sections 53-103, 53-112, 53-125, 53-164.01, 53-168, and 53-168.02, Revised Statutes Supplement, 1972, relating to alcoholic liquors; to redefine a term; to eliminate the membership list requirement for bottle clubs; to provide a salary increase; to change a fee; to eliminate a restriction; to provide a class of persons ineligible for a license; to restrict shipper's permit to manufacturers; to prohibit certain sales; to declare a policy; to provide for wholesale prices; to repeal the original section; and to declare an emergency.".

LEGISLATIVE BILL 535. Replaced on Select File as amended.
E & R amendment to LB 535:

1. In standing committee amendments, page 2, line 1, insert "or contracted with" after "employed".

Correctly Engrossed

The following bills were correctly engrossed: 134, 236, 261, 306A, 400, 472, 505, 534, 583, 586, 587, and 589.

(Signed) John J. Cavanaugh, Chairman

MESSAGE FROM THE GOVERNOR

May 18, 1973

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment requiring legislative confirmation:

Francis Hanna, 304 Court, Thedford, Nebraska – Motor Vehicle Industry Licensing Board to replace Kenneth Hilton, resigned

I respectfully submit this appointment for your consideration.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:do

NOTICE OF COMMITTEE HEARING
Committee on Committees

May 18, 1973

The Committee on Committees will meet on Wednesday, May 23, 1973, at 12:30 p.m. in the East Hearing Room for the purpose of considering the appointment by Governor J. James Exon as follows:

Francis Hanna - Motor Vehicle Industry Licensing
Board

(Signed) Ramey C. Whitney, Chairman

UNANIMOUS CONSENT—Change of Order

Mr. F. Lewis asked unanimous consent to consider the Select File bills reported in today. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 562. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 524. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 172. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Re-engrossment.

LEGISLATIVE BILL 111. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 535. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Re-engrossment.

UNANIMOUS CONSENT—Members Excused

Messrs. Marvel, Moylan and Syas asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

MOTION–Return LB 111 to Select File

Mr. Carpenter moved to return LB 111 to Select File for the following specific amendment:

Following the last word "licensee" in the second amendment of Sen. Carpenter's in the Journal on page 1766, add the following:

"Provided, however, all alcoholic liquors, except beer, shall be transported from the distributors to retail licensees in the state by common carriers holding certificates from the Nebraska Public Service Commission."

MR. SIMPSON PRESIDING

The motion lost with 12 ayes, 9 nays and 28 not voting.

UNANIMOUS CONSENT–Member Excused

Mrs. Marsh asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

MOTION–Return LB 485 to Select File

Mr. Proud moved to return LB 485 to Select File for the following specific amendment:

1. In the Final Reading bill, page 2, line 12, insert ", except that the board shall make no recommendation as to the speaker" after "board"; and in line 18, insert ", except the speaker," after "officers".

The motion prevailed with 26 ayes, 0 nays and 23 not voting.

SELECT FILE

LEGISLATIVE BILL 485. The Proud specific amendment found in this day's Journal was adopted with 28 ayes, 0 nays and 21 not voting.

Advanced to E & R for Re-engrossment.

VISITORS

The following guests were introduced: Vicky Richendifer, daughter of Senator Richendifer; Pat Lanik from Wahoo; Mr. and Mrs. Jess Jensen and family from Alliance; 45 Fourth Grade students, 7 sponsors and teachers from S.E. Nebr. Consolidated School, Stella; 83 Sixth Grade students and teachers from Corrigan School, Omaha; 41 Eighth Grade students and teachers from St. Mary's School, Bellevue; 20 Eighth Grade students and teachers from Maywood School, Maywood; 27 Eighth Grade students and teacher from Holy Family Elementary School, Lindsay; Bernard J. Klasek, Saline Co. Supt. of Schools, from Wilber; Jorge Granados, Rotary Exchange Student from Los Mochis, Mexico; 15 Seventh Grade students and teacher from Emmanuel Luthern School, York.

ADJOURNMENT

At 4:04 p.m., on a motion by Mr. Carpenter, the Legislature adjourned until 9:00 a.m., Wednesday, May 23, 1973.

Vincent D. Brown
Clerk of the Legislature

EIGHTY-SEVENTH DAY—MAY 23, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

EIGHTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 23, 1973

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Marsh presiding.

PRAYER

The prayer was offered by Rev. Harold W. Richardson, Associate General Secretary of the American Baptist Church in the United States of America, Valley Forge, Pa.

> On this new day let us give full play to every impulse from thy realm of truth and goodwill, so that the people of this state, of this nation, and of the world may know that what is said and what is done here may be in complete faithfulness to a trust and in search of a way of life that leaps over all barriers of self-interest, of provincial protectiveness, of race, creed, and political arbitrariness.
>
> No matter to whom else our words and our acts may be seen with bias, let the words of our mouths and the meditations of our hearts be acceptable in thy sight, O Lord, our strength and our redeemer. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Anderson, Clark and Kime who were excused; and Mr. DeCamp who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

Page 1786, line 35, correct spelling of "Burbach".

Page 1788, line 12, insert "Re-" before "Engrossment".

Page 1792, line 5, delete "while" and insert "which"; delete "appropriate" and insert "appropriates".

The Journal for the Eighty-sixth Day was approved as corrected.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 87. Replaced on Select File as amended.
E & R amendments to LB 87:

1. In standing committee amendment 1, line 1, strike "39-846" and insert "the period".
2. In standing committee amendment 2, line 9, strike "county" and insert "county's".
3. On page 2, line 22, strike the second comma.

LEGISLATIVE BILL 403. Replaced on Select File as amended.
E & R amendments to LB 403:

1. In line 11 of E & R 4, strike "and".
2. On page 20, line 23, insert "the" after "of".
3. On page 23, line 5, strike "and".

LEGISLATIVE BILL 524. Replaced on Select File as amended.
E & R amendments to LB 524:

1. In the first E & R 1 adopted 5/18, line 1, strike "line 2" and insert "line 25"; and in line 2, strike "in line 24" and insert "on page 5, line 20".
2. In line 3 of the first E & R 2 adopted 5/18, strike "83-184,".

LEGISLATIVE BILL 485. Replaced on Select File as amended.
E & R amendment to LB 485:

1. In the Proud amendment 1, line 3, strike "board" and insert "Council".

Correctly Engrossed

The following bills were correctly re-engrossed: 172 and 535; the following bills were correctly engrossed: 256, 267, 275,387, 423, and 557.

(Signed) John J. Cavanaugh, Chairman

COMMUNICATION

Acknowledged receipt of Joint Resolution No. 7 adopted by the 57th session of the Nevada Legislature regarding the assignment of students to particular public schools on account of race, religion, color or national origin.

MESSAGES FROM THE GOVERNOR

May 18, 1973

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bill No. 299.

This bill was signed by me on May 18, 1973 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

May 21, 1973

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 445 and 445A.

These bills were signed by me on May 21, 1973 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

May 21, 1973

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 45, 341, 358, 528, 531, 538, 542, 585, and 588.

These bills were signed by me on May 21, 1973 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

ATTORNEY GENERAL'S OPINIONS

Opinion No. 56
May 21, 1973

Senator Glenn A. Goodrich
Nebraska State Legislature
State Capitol
Lincoln, Nebraska

Dear Senator:

In your May 17 letter you ask several questions regarding approval by the Legislature of appointments made by the Governor. The questions arise because the constitutional provisions relating to this subject were extensively revised by amendments proposed by the 1972 Legislature and adopted by the people at the 1972 general election.

Our reply will relate solely to the office of member of the Board of Trustees of the Nebraska State Colleges, because of the particular factual situation relating to that office. Different conclusions could apply to other offices, and a number of years and court decisions will probably intervene before all of the effects of this constitutional amendment are known.

The terms of members of the Board of Trustees begin on January 1, and that particular date usually falls on a day when the Legislature is not in session, since its meetings commence "on the first Tuesday in January of each year." Therefore this particular appointment comes within that part of the amended section 12 of Article IV of our Constitution which provides: "If the Legislature is not in session, the Governor shall make a temporary appointment until the next session of the Legislature, at which time a majority of the members of the Legislature shall have the right to approve or disapprove the appointment."

Prior to the amendment, approval of appointments to this office were covered by the old section 11 of Article IV, which provided: "In case of a vacancy during the recess of the senate, in any office which is not elective, the governor shall make a temporary appointment until the next meeting of the senate, when he shall nominate some person to fill such office; and any person so nominated, who is confirmed by the senate, (a majority of all the senators elected concurring by voting yeas and nays), shall hold his office during the remainder of the term, and until his successor shall be appointed and qualified." (See, State ex rel Johnson v. Hagemeister, 161 Neb. 475).

Reference to the underlined language in the preceding paragraphs makes it clear that the 1972 amendments incorporated some entirely new and different language with respect to appointments. Our Court has said that "if a subsequent act on the same or a similar subject uses different terms in the same connection, a court must presume that a change in the law was intended," and that, "Where a law is amended or reenacted in different language, it will not be presumed that the difference was due to oversight or inadvertence by the Legislature, but it will be presumed that the language was intentionally changed to effect a change in the law itself." (Ledwith v. Bankers Life, 156 Neb. 107; Hills v. Burnett, 172 Neb. 370). Such rules are generally equally applicable to the interpretation of constitutional changes.

Under the new language, the Legislature has the right to "approve or disapprove" the appointment. If a majority of the members vote to approve, that is an end of the matter. If the motion is to approve and it does not receive the necessary majority, you have neither approved nor disapproved, because the constitutional language now in force says that a majority of the members shall have the right to approve or disapprove. If the motion is to disapprove, and it does not receive a majority, the Legislature has not disapproved him. If no further action is taken after the failure of a motion to disapprove (or after the failure of a motion to approve), then it is our view that the appointee will serve until the end of the term for which he has been appointed, because the new language in the constitution is that the appointment is "until the next session of the Legislature, at which time" you have the right to approve or disapprove. If the Legislature does not exercise that right during the time specified, we do not believe it can leave the matter undecided until subsequent sessions, and thus leave the appointee in doubt throughout the rest of his term.

In preparing this opinion, we have not overlooked the provisions of section 13 of Article VII of our Constitution. That section does not deal with the procedure to be followed by the Legislature. Procedure is covered by the amended sections in Article IV, as discussed above.

Very truly yours,

(Signed) Clarence A. H. Meyer
Attorney General

CAHM:jc

cc: Vincent D. Brown
Clerk of the Legislature

Opinion No. 57
May 21, 1973

Senator Glenn A. Goodrich
State Capitol Building
Lincoln, Nebraska

Dear Senator Goodrich:

Your inquiry to this office deals with the question of the constitutionality of L. B. 315 pending before the Eighty-Third Legislature, First Session, and the further question of a definition of Law Enforcement Officer.

Although we believe that the concept of prohibiting law enforcement officers from being a licensee under the liquor control act is constitutional, L. B. 315 in its present form would be difficult to defend on the grounds of constitutionality.

The present liquor control act, section 53-110 and 53-111, R.R.S., 1943, provides that no commissioner, inspector or employee shall directly or indirectly have any interest in the manufacture, sale or distribution of alcoholic liquor, nor receive any compensation or profit therefrom; and in 53-111, it prohibits the accepting of emolument or employment by the liquor commission or its employees. State ex rel Beck v. Young, 154 Neb. 588, 48 N. W. 2d 677; State ex rel Meyer v. Sorrell, 174 Neb. 340, 117 N. W. 2d 872.

Section 53-125, R.R.S. 1943, provides for those persons to whom no license may be issued.

In American Jurisprudence Vol. 45 2d section 147 page 593, 594, it is stated:

> No one has an absolute or inherent right to a license to sell intoxicating liquor, the right to sell intoxicating liquor not being one of the privileges or immunities of a citizen of the United States. The issuance of a license to sell intoxicating liquor is a matter, not of right, but purely of legislative grace, and may be extended, limited, or denied without violating any constitutional right. Legislatures may lawfully grant the right to engage in the liquor traffic to a certain class or classes of persons and withhold it from all others, and no person may complain because liquor legislation has denied him the privilege of engaging in the liquor traffic, at least so long as he has not been arbitrarily discriminated against. Moreover, the legislative power of discrimination as between persons who may be permitted to sell intoxicating liquors is much broader than in case of callings less potentially harmful to the public, and legislation setting forth requirements for liquor licensees is not objectionable because persons pursuing other occupations are subjected to different requirements.

> In the exercise of its power to regulate the liquor traffic, a state may prescribe reasonable qualifications for holding a liquor license or permit. Applicants for liquor licenses must meet valid qualifications prescribed by statute and by rules and regulations of the licensing authorities. They are generally required to meet specified qualifications as to citizenship and residence, moral character, age, and sometimes as to sex. Some statutes also limit the right to sell intoxicating liquors to qualified electors, and forbid the issuance of liquor licenses to employees of the state or political subdivisions thereof. * * *

In Marcus v. State, Okl. 411 P. 2d 539; the constitution of the State of Oklahoma and a state statute provided that agents or employees of state or any political subdivision thereof could not engage in any phase of alcoholic beverage business. The statute and that part of the state constitution were attacked on the grounds that they were discriminatory and violated the fourteenth amendment to the United States Constitution in that it deprived the applicant of equal protection of the law by prohibiting the engagement in the liquor business and that it was an unreasonable exercise of its police power.

The Oklahoma supreme court quoted from various legal texts and from several cases and held that a legislature and a state constitution may lawfully grant right to engage in traffic of liquor to certain class or classes of persons and withhold it from others, and no person may complain because liquor legislation has denied him privilege of engaging in liquor traffic.

We can find no definition of law enforcement officer in the statutes. In section 49-801 R.R.S., 1943, there is a definition of "peace officer" which states as follows.

> * * *(17) Peace officer includes sheriffs, constables, coroners, jailers, marshals, policemen, state highway patrolmen, members of the National Guard on active service by direction of the Governor during periods of emergency, and all other persons with similar authority to make arrests.* * *

One immediate problem with the definition of peace officer is for the national guardsman who holds a liquor license and is then called on active service by the Governor, does he become ineligible and lose his license; also the phrase "and all other persons with similar authority to make arrests", does this mean private investigators, private store security policemen, are they ineligible to hold a license.

In Frazier v. Elmore, 173 S. W. 2d 563, 180 Tenn. 232, peace officer was the same as law enforcement officer whose duty it is to preserve the peace. But in People v. W., 249 N. E. 2d 882, 24 NY 2d 732, 302 N. Y. S. 2d 260, a probation officer is a peace officer but he is not a law enforcement officer. In People v. Cheathem, 69 Cal. Rpts. 679, 263, C.A. 2d 458, a statute permitting private citizens arrests do not turn the person into a law enforcement officer.

As the impact of the bill is to prohibit the holding of a license and is criminal in nature by imposing a fine up to one thousand dollars we believe that the term "law enforcement officer" is too ambiguous and lacks clear meaning. Likewise the word "interest" has many meanings depending upon the type of law it relates too, as money interest, rate of interest, family interest, legal interest, beneficial interest, percentage of interest.

A statute, to be valid, must not be vague, indefinite and uncertain. It must be sufficiently explicit to advise those whom it purports to affect as to what their rights are and how they will be affected by its operation. Statutes which are so incomplete, vague, indefinite and uncertain that men of ordinary intelligence must necessarily guess at their meaning and differ as to their application, will not be upheld by the Courts. State v. Nelson, 168 Neb. 394, 399, 95 N. W. 2d 678; State v. Pocras, 166 Neb. 642, 645, 90 N. W. 2d 623:

Yours very truly
CLARENCE A. H. MEYER
Attorney General

(Signed) Robert R. Camp
Assistant Attorney General

cc Mr. Vincent D. Brown
Clerk of the Legislature

Opinion No. 58
May 21, 1973

Honorable Thomas C. Kennedy
Nebraska State Senator
State Capitol Building
Lincoln, Nebraska

Dear Senator Kennedy:

You have requested our opinion concerning the legal status of L. B. 587. The bill generally would prohibit discrimination, by a motor vehicle fuel producer, refiner, manufacturer, or compounder, among its various retail outlets. Our analysis follows.

Sec. 1 of this bill prohibits discrimination, by a petroleum manufacturer, between independent firms and its own outlets and affiliates. We are of the opinion that the states may enact laws to prohibit discrimination among competitors, where that discrimination does not involve refusals to deal, which separate problem is discussed, infra.

There is, of course, a serious question concerning the definition of "discrimination," as that term is used in Sec. 1. There are many types of discrimination--price, service, rebate, etc. There are many reasons for price discrimination--to harm a competitor, to meet the localized price of a competitor, etc. Sec. 1 prohibits all discrimination, regardless of the circumstances. In our opinion, Sec. 1 would be subject to arguments that the section is vague and overbroad, and would be difficult to defend on constitutional grounds. See, Blue Flame Gas Association v. McCook P. P. Dist., 186 Neb. 735, 186 N. W. 2d 498; and Central Markets West, Inc. v. State, 186 Neb. 9, 180 N. W. 2d 880.

Sec. 2 expressly includes, among those protected "independent firms," those who have had a course of dealing, within one year prior to the date of the act, with the supply source, where that supply source has dealt with both independents and affiliates. Sec. 2 further provides that the supply source must continue to offer fuels to the independents, without price discrimination unless not cost-justified. In the event of a shortage of fuels, the supply source is required to apportion among all its customers.

Thus, Sec. 2 denies to fuel supply sources the right to refuse to continue dealing, with competitive customers, regardless of the reasons for such refusal (although Sec. 3 permits a refusal to continue to deal where the customer has failed to pay for prior purchases). A long established principle of anti-trust law is that a businessman is at liberty to refuse to deal with any person, regardless of his reasons therefor. See Cooley on Torts, p. 278, quoted in Great Atlantic & Pacific Tea Co. v. Cream of Wheat Co., 227 F. 2d 46, 48 (CCA 5th, 1915); and Barish v. Chrysler Corp., 141 Neb. 157, 3 N. W. 2d 91.

Many recent cases have, however, limited this right of refusal to deal. See, e.g., United States v. Parke, Davis & Co., 362 U. S. 29, 4 L. Ed. 2d 505, 80 S. Ct. 503. In Parke-Davis, the court found a vertical conspiracy (between the manufacturer and certain of its customers) to fix prices, with the manufacturer refusing to deal with customers who did not follow the fixed-price schedules. The court held that where the price conspiracy itself was illegal, the weapons used to enforce the structure (e. g., the refusal to continue to deal) was illegal.

In Simpson v. Union Oil Co., 377 U. S. 13, 12 L. Ed. 2d 98, 84 S. Ct. 1051, the court held to be a violation of anti-trust laws, certain "consignment agreements which were used by the fuel manufacturer as a vehicle for resale price maintenance, with a refusal to deal with consignees who failed to follow the established resale price schedule.

On the subject of refusals to deal, generally see Callmann, The Law of Unfair Competition, Trademarks and Monopolies, sec. 37.1-37.2, Vol. 2, p. 87-107. Callmann suggests that refusals to deal will be permitted if they are "reasonable."

In summary of the above, it is our opinion that the Legislature may not unreasonably restrict the businessman's right to refuse to deal. Sec. 2 of the subject bill is not so limited, but attempts to strike down all refusals by certain petroleum suppliers. Nor do we find any cases which suggest that the manufacturer's practical inability to supply all its customers would not be a reasonable basis for a refusal to deal with some of them.

In summary of the above, it is our opinion that L. B. 587, Nebraska Legislature, 83rd Legislature, 1st Session (1973) would be difficult to defend on constitutional grounds.

Yours very truly,

CLARENCE A. H. MEYER
Attorney General

(Signed) Calvin E. Robinson
Assistant Attorney General

CER:ct

cc: Mr. Vince D. Brown
Clerk of the Legislature

Opinion No. 59
May 22, 1973

Senator George Syas
Nebraska State Legislature
State Capitol Building
Lincoln, Nebraska

Dear Senator Syas:

You have inquired if the Legislature can constitutionally provide a "different method of nominating and electing school boards in a Class III district that is within the confines of a metropolitan city and different laws that apply to Class III school districts that are outside a metropolitan city?" The same is hereinafter discussed.

Historically, the bulk of all statutory law was concerned with private or local matters. Indeed, some legal commenators have said that the private legislation originated in the dawn of parlimentary history. In colonial America it was the chief concern of legislators and it became increasingly prevalent in state assemblies during the early years of the 19th century. It became a concern because of certain matters which attended the growth of this type of legislation. Chiefly, it was said that the time spent in enacting special laws made it impossible for a legislature to give sufficient attention to matters of general concern. As a result, many states (including Nebraska), have embodied in their state constitutions certain prohibitions against special legislation. It is to be observed that Section 18 of Article III of the Constitution of Nebraska not only prohibits special or local legislation in certain specific situations but it also provides that "In all other cases where a general law can be made applicable, no special law shall be enacted."

Judicial interpretation of the above cited constitutional provision has removed most, if not all, ambiguity. The variety of legislative classifications which have been sustained as general laws is almost infinite. A group of cases of particular importance is that permitting the classification of municipalities and other governmental subdivisions on the basis of population. The Legislature, by using the legal device of classification, has been able in numerous instances to constitutionally enact certain measures which, though in fact operating only in certain cities or counties have been sustained by the Supreme Court of Nebraska as general laws. However, such laws, to be valid, must be general in form. In addition, provisions must be made for other governmental or political subdivisions, as the case may be, to come within the class designated. Futhermore, the legislative classification must be reasonable in order to be valid. Beyond that, it is difficult to state precise rules.

Obviously each legislative act must be judged on its own facts. In general, however, we are of the opinion that the Legislature can constitutionally enact a method of nominating and electing school boards in a Class III school district that is within the confines of a metropolitan city and can constitutionally enact a different method of nominating and electing school boards in a Class III school district whose territorial boundaries lies outside the confines of a metropolitan city provided any such legislation is within the spirit and meaning of the above stated rules.

Very truly yours,

CLARENCE A. H. MEYER
Attorney General

(Signed) Harold Mosher
Assistant Attorney General

HM:ct

cc: Vincent D. Brown
Clerk of the Legislature

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 111. Replaced on Select File as amended.
E & R amendments to LB 111:

1. In line 1 of E & R 4, adopted 5/18, strike "to" and insert "by".
2. In line 2 of E & R 2, adopted 5/18, insert "except for 'On page 24, strike section 16' of amendment 8" before the period.

LEGISLATIVE BILL 533. Replaced on Select File as amended.
E & R amendments to LB 533:

1. In line 17 of the Warner amendment 2 to page 2, strike the third comma.
2. In line 2 of E & R 3, strike "line 2,".
3. In line 3 of E & R 5, strike "numbers" and insert "members".
4. In line 9 of the Warner amendment to page 8, strike "boards" and insert "board".
5. In line 4 of E & R 6, insert "after 'be' " before the period.
6. On page 8, line 6, reinstate "(1)".

LEGISLATIVE BILL 187. Replaced on Select File as amended.
E & R amendments to LB 187:

1. In section 4, line 12, strike "and"; in line 24 strike "section 4 of this act" and insert "this section"; and in line 26 strike "sections 3 and 4 of this act" and insert "section 3 of this act and this section".
2. In renumbered section 7, insert "to" at the end of line 26 as in the statutes.

LEGISLATIVE BILL 563. Replaced on Select File as amended.
E & R amendments to LB 563:

1. On page 37, line 11, and lines 16 and 17, strike "division of corrections-made" and show as stricken and insert "Department of Correctional Services-made"; and in lines 15 and 16, strike "Division of Corrections" and show stricken and insert "Department of Correctional Services".
2. On page 48, line 19, strike the new and reinstate the stricken matter.
3. On page 55, line 14, strike "Divisions" and insert "Division".
4. On page 23 insert a comma at the end of line 21 as in the statutes.

LEGISLATIVE BILL 581. Replaced on Select File as amended.
E & R amendments to LB 581:

1. In the Marvel amendment 5, line 1, strike "~~37,818,155~~" and insert "~~37,018,155~~".
2. In the Marvel amendment 9, line 1, strike "page 9" and insert "page 7".
3. On page 50, line 11, strike the next to the last comma.

4. In line 3 of Marvel amendment 15, insert a comma before "sections"; and in the last line insert a comma after "1389A".

5. In the Marvel amendment 16, insert "immediately" at the end of line 2; and in line 3, insert a comma before "sections".

6. In the Marvel amendment 3, line 2, insert "as amended," before "strike"; and in line 3, strike " '1,581,776' and '4,482,369' " and insert " '1,471,776' and '4,372,369' ".

7. On page 11, line 1, strike "936,252" and "3,047,167" and insert "876,252" and "2,987,167".

8. On page 26, line 5, strike "~~1,766,888~~" and "~~4,570,989~~" and insert "~~1,704,388~~" and "~~4,508,489~~"; and in line 6, strike "1,814,463" and "4,618,564" and insert "1,751,963" and "4,556,064".

9. On page 5, line 23, strike "171,235" and insert "449,981".

LEGISLATIVE BILL 582. Replaced on Select File as amended. E & R amendments to LB 582:

1. In the Marvel amendments offered on page 1767 of the Journal, renumber sections as follows: Sections 1 to 6, no change, the new section added by the Marvel amendment offered on page 1797 of the Journal as section 7, original sections 7 to 9 as sections 8 to 10, the new sections added by the Murphy and Schmit amendments as sections 11 and 12 respectively, original sections 10 to 15 as sections 13 to 18, the new section offered by the Marvel amendment offered on page 1799 of the Journal as section 19, the severability clause as section 20, and original sections 16 and 17 as sections 21 and 22.

2. Insert the section added by the Mahoney amendment in lieu of renumbered section 8 of the Marvel amendments; in line 16 thereof strike "187,123" and "225,123" and show as stricken; after line 16 insert "231,623" and "269,623" in the General and Total Columns; and in the last line strike "2,191,352" and "7,267,026" and insert "2,235,852" and "7,311,526".

3. Insert the section added by the Barnett amendment in lieu of renumbered section 15 of the Marvel amendments; in line 9 thereof strike "741,698" and "1,075,735" and show as stricken; after line 9, insert "754,262" and "1,088,299" in the General and Total columns; and in the last line strike "6,749,387" and "7,225,884" and insert "6,761,951" and "7,238,448".

4. Insert the section added by the Warner amendment in lieu of renumbered section 17 of the Marvel amendments; in line 2 of subsection (2) thereof strike "868,772" and "978,460" and show as stricken; and after line 2 insert "920,678" and "1,030,366" in the General and Total columns; and in lieu of the Lewis amendments, in subsection (6) insert "60,000" in the General and Total columns after line 2 and amend lines 3 and 4 to read:

"The total budget for the ~~Lincoln~~ Eastern Nebraska Technical Community College Area is ~~$1,861,382~~ $660,000."; in the last line strike "8,379,124" and "10,562,617" and show as stricken and after the last line insert "8,491,030" and "10,674,523" in the General and Total columns.

5. In the Marvel amendments, insert a new section to read:

"Sec. 20. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration of invalidity shall not affect the validity of the remaining portions thereof.".

6. In the Marvel amendments, page 17, line 18, insert "29," after the third comma, insert "48, 49," after the sixth comma; and strike "and 81," and insert "81, and 92,".

7. In the Marvel amendments, page 18, insert "29," at the end of line 3; in line 4, insert "48, 49," after the third comma, and strike "and 81," and insert "81, and 92,"; and at the end of line 9, insert "to provide severability;".

Correctly Engrossed

The following bill was correctly re-engrossed: 378; the following bills were correctly engrossed: 562 and 563A.

(Signed) John J. Cavanaugh, Chairman

UNANIMOUS CONSENT—Change of Order

Mr. Marvel asked unanimous consent to revert to General File and consider LB 536. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 536. Title read. Considered.

Advanced to E & R for Review with 32 ayes, 0 nays and 17 not voting.

Mr. Marvel asked unanimous consent to expedite LB 536.

UNANIMOUS CONSENT–Change of Order

Mr. Warner asked unanimous consent to consider a motion on LB 472 at this time. No objections. So ordered.

MOTION–Return LB 472 to Select File

Mr. Warner moved to return LB 472 to Select File for the following specific amendment:

1. In line 2 of the Warner amendment 2, adopted 5/15/73, strike "section 7" and insert "section 8"; and in line 3, strike "board" and insert "school board or board of education".

The motion prevailed with 29 ayes, 0 nays and 20 not voting.

SELECT FILE

LEGISLATIVE BILL 472. The Warner specific amendment found in this day's Journal was adopted with 31 ayes, 0 nays and 18 not voting.

Advanced to E & R for Re-engrossment.

UNANIMOUS CONSENT–Change of Order

Mr. Burbach asked unanimous consent to consider the Select File bills reported in today. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 87. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 403. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 524. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 485. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Re-engrossment.

LEGISLATIVE BILL 111. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 533. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 187. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 563. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 581. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 582. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly re-engrossed: 485; the following bills were correctly engrossed: 87, 111, 187, 403, 524, 533, 563, 581 and 582.

(Signed) John J. Cavanaugh, Chairman

EXPLANATION OF VOTE

Had I been present on May 17, 1973, I would have voted "Nay" for LB 312; and I would have voted "Aye" for the following bills: 45, 286, 341, 358, 516, 528, 531, 538 and 542.

(Signed) J. W. Burbach

COMMUNICATION

Military Department of Nebraska
State Civil Defense Agency
1300 Military Road
Lincoln, Nebraska 68508

May 22, 1973

Memo For: Governor Exon
Re: Flood Report
From: State Civil Defense Agency

1. Overall river conditions on the North and South Platte and eastward on the main body of the Platte remain essentially the same as yesterday. River levels have changed very little.

2. The original large crest which flowed down the South Platte is now flowing into the Missouri, which has reported a slight rise, but which is forecast to return to normal level within 36 hours.

3. A key factor on the North Platte continues to be at Glendo Reservoir, which is continuing to hold about two-thirds of its inflow, and letting out about one-third. This is maintaining the flow at Henry (State Line) at a level which raised the level only .06" since yesterday. However, Glendo's capacity is 795,196 acre feet and the present level is 723,621 a.f. This represents an increase of approximately 15,000 a.f. since yesterday.

4. It is hoped that, in the absence of heavy precipitation above McConaughy, the river will be lowered sufficiently in the next four or five days to increase the outflow from Glendo to keep from reaching full capacity at the reservoir.

FOR THE DIRECTOR

RFP:saw

Daily report; Norm Otto

ATTORNEY GENERAL'S OPINION

Opinion No. 60
May 23, 1973

Senator David H. Stahmer
Nebraska State Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Senator,

Your May 16 letter asks concerning the constitutionality of L. B. 533 "in the form it was advanced from General File to E & R Initial." Your specific interest concerns the "legality of having two types of governing boards, namely the type of organization for six of the districts that will be area districts, as compared with the organization of the governing board of the Omaha Technical Community College." In this reply we will necessarily confine ourselves to your specific question because of time limitations.

The concern appears to be with section 18 of Article III of our Constitution which deals with special legislation. That section prohibits special legislation in certain enumerated areas which are not involved here, and then concludes by providing that, "In all other cases where a general law can be made applicable, no special law shall be enacted." So in the present situation a determination must be made as to whether it is in fact special legislation, and if it is, is it justified under the guidelines provided by decisions of our Court.

To make the necessary determination, it is necessary to look at two sections of the bill. The first of these deals with dividing the entire state into seven technical community college areas. The boundaries of all but one of the areas are defined in terms of a combination of county boundaries, school district boundaries and precinct boundaries, but the seventh area is defined as comprising the area encompassed by Omaha School District Number One. We do not believe that the mere fact that one of the areas is defined in terms of a single school district would support a claim that division of the state in this manner constitutes special legislation. It seems most likely that there would be facts in the possession of the Legislature which would justify division of the state in this manner, including such factors as population, available educational resources and facilities, and community needs.

The second section involved could cause some concern because in each of the first six areas there is provision for election of an area board from among residents of each of those areas, but in the case of the seventh area it is provided that, "The technical community college board for the Omaha Nebraska Technical Community College Area shall be the board of education for the Class V school district whose territory comprises the technical community college area."

We conclude that this feature of the bill does not constitute "special legislation." Obviously the Legislature could not have made this a general provision, applicable to the other six areas as well. The seventh area is the only one in which a single public school board operates throughout the identical territory comprising the technical community college area. If at some future date the Legislature should decide to eliminate our existing school districts, and create only six districts coterminous with the other six technical community college areas, then a constitutional problem might arise if the same boards did not govern the schools and the colleges.

Our court has said that legislation applicable alone to a portion of the state is not for that reason forbidden by the Constitution, when there is a reasonable relation between the objects of the legislation and the area to which is applicable. In the situation now before you, the Legislature may well have information and facts available to it which in its judgement justify a determination that a school board is peculiarly suited to governing the affairs of this type of college. In this connection it must be kept in mind that our Court has taken the position in a number of situations that, "The power of classification rests with the legislature, and this power cannot be interfered with by the courts, unless it is clearly apparent that the legislature has by an artificial and baseless classification attempted to evade and violate the provisions of the constitution prohibiting special and local legislation."

Undoubtedly there are arguments which could be advanced challenging the validity of L. B. 533 as special legislation, but in our view the legal arguments on the other side have the greater weight.

Very truly yours,

(Signed) Clarence A. H. Meyer
Attorney General

CAHM:ct

cc: Mr. Vincent D. Brown
Clerk of the Legislature

MOTION–Return LB 366 to E & R Final

Mr. Goodrich moved to return LB 366 from Final Reading to E & R Final to correct correlation with LB 111 and report LB 366 back out first. The motion prevailed with 25 ayes, 0 nays and 24 not voting.

MOTION–Return LB 533 to Select File

Mr. Waldron moved to return LB 533 to Select File for the following specific amendment:

Strike Section 7 and renumber sections.

The motion prevailed with 26 ayes, 0 nays and 23 not voting.

SELECT FILE

LEGISLATIVE BILL 533. The Waldron specific amendment found in this day's Journal was adopted with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Re-engrossment.

LEGISLATIVE BILL 526. E & R amendments found in the Journal on page 1756 for the Eighty-fifth Day were adopted.

Mr. Carpenter offered the following amendments:

1. On page 5, line 1, add a new section two as follows:

"Sec. 2. That section 77-2715.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2715.01. (1) On or before ~~November~~ October 15 of each year, the State Board of Equalization and Assessment shall set the rate of the income tax imposed by section 77-2715 for the taxable year beginning in the subsequent calendar year, and the rate of the sales tax imposed by subsection (1) of section 77-2703 which will be effective from January 1 through December 31 of the succeeding year.

(a) In fixing the rates, the State Board of Equalization and Assessment shall first determine the status of all fixed obligations for the biennium which must be financed from the receipts from the sales and use taxes, the individual and corporation income and franchise taxes and other miscellaneous receipts to the General Fund, from a certified statement of all appropriations made by the most recent regular session of the Legislature, which statement the Director of Administrative Services shall prepare and furnish prior to the convening of such board.

(b) If the Legislature should meet in a special session during any year, the board shall add to the appropriations as certified pursuant to subdivision (a) of this subsection, the appropriation for the legislative session, all miscellaneous claims, deficiency bills, and all emergency appropriations.

(c) The board shall then determine the balance of the General Fund at the beginning of the period under consideration and the estimated receipts to the General Fund from all sources other than the sales, use, income, and franchise taxes for this period.

(d) The board shall then set the rates of the sales tax and income tax so that the estimated funds available pursuant to subdivision (c) of this subsection plus estimated receipts from the sales, use, income, and franchise taxes will be not less than five per cent in excess of the appropriations as determined pursuant to subdivisions (a) and (b) of this subsection.

~~(e) The rates of the sales and income taxes shall be fixed so that the total sales and use taxes levied will as nearly as possible equal the total income and franchise taxes levied for the calendar year for which the rates so fixed will be effective.~~

~~(f)~~ (e) For purposes of this subsection, total sales and use taxes levied shall mean the total state sales and use tax liability of all taxpayers for the relevant period minus total food sales tax credits attributable to the same period. Total income and franchise taxes levied shall mean the total state income and franchise tax liability of all taxpayers for the relevant period, before deduction of food sales tax credits.

~~(g)~~ (f) The sales tax rate so fixed by the board shall be an increment of one half of one per cent, and the income tax rate so fixed shall be an increment of one per cent.

(2) The board shall meet within thirty days after each special session of the Legislature, and also within thirty days after receiving a report from the Tax Commissioner that there have been significant changes in the provisions of the Internal Revenue Code of 1954 and amendments thereto,

other provisions of the laws of the United States relating to federal income taxes, or the rules and regulations issued under such laws, and shall determine whether the rates for sales tax and income tax must be changed. In making such determination the board shall recalculate the requirements pursuant to the formula set forth in subsection (1) of this section, taking into consideration the appropriations for such special session, all miscellaneous claims, deficiency bills, and all emergency appropriations.

In the event the board determines the rates must be changed as a result of such special session or as a result of a change in the provisions of the Internal Revenue Code of 1954 and amendments thereto, other provisions of the laws of the United States relating to federal income taxes, and the rules and regulations issued under such laws, such sales tax rate shall be made effective at the beginning of any calendar month within the current calendar year and such income tax rate shall be effective for the current taxable year.".

2. Renumber original sections 2 to 7 as sections 3 to 8 respectively.

3. On page 21 after line 10 insert:

"Sec. 9. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration of invalidity shall not affect the validity of the remaining portions thereof.".

4. On page 21 after line 14 insert:

"Sec. 11. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

5. Renumber original section 8 as section 10.

Mr. Carpenter requested a division of the question.

Mr. Carpenter requested a record vote.

Voting in the affirmative, 13:

Barnett
Carpenter
F. Carstens
Duis
Johnson
Luedtke
Marsh
Marvel
Nore
Simpson
Stromer
Warner
Wiltse

Voting in the negative, 23:

Burbach
C. Carsten
Epke
Fellman
Fowler
Hasebroock
Keyes
Kremer
R. Lewis
Mahoney
Maresh
Moylan
Murphy
Rasmussen
Richendifer
Savage
Skarda
Snyder
Stahmer
Stull
Syas
Waldron
Whitney

Not voting, 13:

Anderson
Cavanaugh
Chambers
Clark
DeCamp
Dickinson
Goodrich
Kelly
Kennedy
Kime
F. Lewis
Proud
Schmit

The amendment to sub-paragraph (1) lost with 13 ayes, 23 nays and 13 not voting.

SPEAKER PROUD PRESIDING

Mr. Carpenter requested a record vote on the remainder of his amendment.

Voting in the affirmative, 2:

Carpenter	Nore

Voting in the negative, 28:

Barnett	Burbach	C. Carsten	Cavanaugh	Dickinson
Epke	Fellman	Hasebroock	Johnson	Kelly
Keyes	Kremer	F. Lewis	Luedtke	Maresh
Moylan	Murphy	Rasmussen	Simpson	Skarda
Snyder	Stahmer	Stull	Syas	Waldron
Warner	Whitney	Wiltse		

Not voting, 19:

Anderson	F. Carstens	Chambers	Clark	DeCamp
Duis	Fowler	Goodrich	Kennedy	Kime
R. Lewis	Mahoney	Marsh	Marvel	Proud
Richendifer	Savage	Schmit	Stromer	

The remainder of the amendment lost with 2 ayes, 28 nays and 19 not voting.

UNANIMOUS CONSENT—Member Excused

Mrs. Marsh asked unanimous consent to be excused at 10:30 today. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 526. Mr. Duis offered the following amendment:
1. Amend page 10 line 9 by striking "including" and
inserting "~~including~~ excluding".

PRESIDENT MARSH PRESIDING

Mr. Duis moved for a Call of the House. The motion prevailed with 19 ayes, 7 nays and 23 not voting.

The Call showed 43 members present. Mr. Simpson moved the Call be raised. The motion prevailed with 30 ayes, 0 nays and 19 not voting.

Mr. Duis requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Carpenter C. Carsten Dickinson Duis Epke
Hasebroock Johnson Kremer F. Lewis R. Lewis
Maresh Marvel Rasmussen Richendifer Schmit
Stull Waldron Warner Whitney Wiltse

Voting in the negative, 21:

Barnett Burbach F. Carstens Cavanaugh Fellman
Fowler Goodrich Kelly Kennedy Keyes
Luedtke Mahoney Moylan Murphy Nore
Savage Simpson Skarda Snyder Stahmer
Syas

Not voting, 8:

Anderson Chambers Clark DeCamp Kime
Marsh Proud Stromer

The amendment lost with 20 ayes, 21 nays and 8 not voting.

UNANIMOUS CONSENT—Members Excused

Messrs. Marvel and Duis asked unanimous consent to be excused the remainder of the day. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 526. Mr. Carpenter offered the following amendment:

1. On page 11, line 3, strike "be credited,"
and insert ", ~~be credited,~~"; and in line 5, strike "with"
and insert "~~with~~ be allowed a business expense deducation in".

Mr. Carpenter requested a record vote.

Voting in the affirmative, 6:

Carpenter Fowler Maresh Nore Waldron
Whitney

Voting in the negative, 24:

Barnett Burbach C. Carsten Dickinson Epke
Fellman Goodrich Hasebroock Johnson Kelly
F. Lewis R. Lewis Luedtke Mahoney Murphy

Proud Rasmussen Savage Skarda Stahmer
Stull Syas Warner Wiltse

Not voting, 19:

Anderson F. Carstens Cavanaugh Chambers Clark
DeCamp Duis Kennedy Keyes Kime
Kremer Marsh Marvel Moylan Richendifer
Schmit Simpson Snyder Stromer

The amendment lost with 6 ayes, 24 nays and 19 not voting.

UNANIMOUS CONSENT—Member Excused

Mr. C. Carsten asked unanimous consent to be excused the remainder of the morning. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 526. Mr. Carpenter offered the following amendment:

1. On page 17, at the end of line 12, insert:

"Such examination shall be made in the case of any corporation which (a) is not incorporated or domesticated in Nebraska, (b) has gross annual sales of ten million dollars or more, and (c) is not examined by a state with which Nebraska has an agreement for the exchange of examination or audit information.".

Mr. Carpenter requested a record vote.

Mr. Carpenter moved for a Call of the House. The motion prevailed with 23 ayes, 0 nays and 26 not voting.

Mr. Carpenter requested a roll call vote.

Voting in the affirmative, 26:

Barnett Carpenter F. Carstens Cavanaugh Fellman
Fowler Hasebroock Johnson Keyes F. Lewis
Luedtke Mahoney Maresh Moylan Nore
Richendifer Savage Schmit Simpson Skarda
Stahmer Stull Syas Waldron Whitney
Wiltse

Voting in the negative, 10:

Burbach Epke Goodrich Kelly R. Lewis
Murphy Rasmussen Snyder Stromer Warner

Not voting, 13:

Anderson C. Carsten Chambers Clark DeCamp
Dickinson Duis Kennedy Kime Kremer
Marsh Marvel Proud

The amendment was adopted with 26 ayes, 10 nays and 13 not voting.

Mr. Goodrich moved the Call be raised. The motion prevailed with 27 ayes, 0 nays and 22 not voting.

Advanced to E & R for Engrossment with 32 ayes, 0 nays and 17 not voting.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 533. Replaced on Select File as amended.
E & R amendment to LB 533:

1. In line 11 of the title, as amended, strike "to prohibit certain construction contracts;".

LEGISLATIVE BILL 536. Placed on Select File as amended.
E & R amendments to LB 536:

1. On page 2, line 8, insert ", as amended by section 20, Legislative Bill 563, Eighty-third Legislature, First Session, 1973" after "1943"; strike beginning with "Youth" in line 11 through the first "the" in line 14; strike lines 19 and 20 and insert "Tuberculous, and all charitable institutions."; and strike lines 21 and 22.
2. On page 3, line 7, insert an underscored comma after "facilities".
3. On page 4, line 21, strike "that".
4. On page 5, lines 3 and 4, strike "83-108, 83-1,147," and insert "83-1,147"; and in line 5, insert ", and section 83-108, Reissue Revised Statutes of Nebraska, 1943, as amended by section 20, Legislative Bill 563, Eighty-third Legislature, First Session, 1973" after "1943".
5. In the title, line 2, strike "83-108," and the second comma; and in line 4, insert ", and section 83-108, Reissue Revised Statutes of Nebraska, 1943, as amended by section 20, Legislative Bill 563, Eighty-third Legislature, First Session, 1973" after "1943".

Correctly Engrossed

The following bill was correctly re-engrossed: 472.

(Signed) John J. Cavanaugh, Chairman

UNANIMOUS CONSENT—Change of Order

Mr. Cavanaugh asked unanimous consent to consider the Select File bills reported in. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 533. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 536. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

MOTION—Return LB 111 to E & R Final

Mr. Goodrich moved to return LB 111 to E & R Final to direct E & R to make the definitions section of LB 366 and LB 111 identical. The motion prevailed with 27 ayes, 0 nays and 22 not voting.

RECESS

At 11:56 a.m., on a motion by Mr. Syas, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:40 p.m., President Marsh presiding.

The roll was called and all members were present except Messrs. Anderson, Clark, Duis, Kime and Marvel who were excused; Mrs. Marsh who was excused until she arrives; Mr. Nore who was absent until 2:45 p.m.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly re-engrossed: 533; the following bill was correctly engrossed: 536.

(Signed) John J. Cavanaugh, Chairman

COMMUNICATION

Acknowledged receipt of letter from United States Senator, Carl T. Curtis along with a copy of the proposed Agriculture permit forms and guidelines. The forms are on file in the Clerk's office.

SELECT FILE

LEGISLATIVE BILL 529. E & R amendments found in the Journal on page 1756 for the Eighty-fifth Day were adopted.

Mr. Warner offered the following amendments:

1. On page 58, after line 17, insert a new section as follows:

"Sec. 7. That section 77-2715.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2715.01. (1) On or before November 15 of each year, the State Board of Equalization and Assessment shall set the rate of the income tax imposed by section 77-2715 for the taxable year beginning in the subsequent calendar year, and the rate of the sales tax imposed by subsection (1) of section 77-2703 which will be effective from January 1 through December 31 of the succeeding year.

Recognizing that an adequate cash flow is necessary to maintain the orderly implementation of various legislative acts, it is mandatory that the funding of those acts which have a fiscal impact beyond a current appropriations year be considered when setting the sales and income tax rates. Accordingly, the purpose of this subsection is to provide that the State Board of Equalization and Assessment shall set rates based on appropriations, and the express obligations of the Legislature for the two succeeding calendar years following the rate setting date. Such action will provide an adequate cash flow, and the orderly implementation of the funding of acts as intended by the Legislature, and will eliminate drastic fluctuations in the state sales and income tax rates.

(a) In fixing the rates, the State Board of Equalization and Assessment shall first determine the status of all ~~fixed~~ appropriations, and express obligations for the ~~biennium~~ next two succeeding calendar years following the rate setting date, which must be financed from the receipts from the sales and use taxes, the individual and corporation income and franchise taxes and other miscellaneous receipts to the General Fund, from a certified statement of all appropriations, and express obligations for the next two succeeding calendar years following the rate setting date, made by the most recent regular session of the Legislature, which statement the Director of Administrative Services shall prepare and furnish prior to the convening of such board.

(b) If the Legislature should meet in a special session during any year, the board shall add to the appropriations and express obligations as certified pursuant to subdivision (a) of this subsection, the appropriation for the legislative session, all miscellaneous claims, deficiency bills, and all emergency appropriations and express obligations.

(c) The board shall then determine the balance of the General Fund at the beginning of the period under consideration and the estimated receipts to the General Fund from all sources other than the sales, use, income, and franchise taxes for this period.

(d) The board shall then set the rates of the sales tax and income tax so that the estimated funds available pursuant to subdivision (c) of this subsection plus estimated receipts from the sales, use, income, and franchise taxes will be not less than five per cent in excess of the appropriations, and express obligations for the next two succeeding calendar years following the rate setting date, as determined pursuant to subdivisions (a) and (b) of this subsection. The purpose of this subdivision is to insure that there shall be maintained in the state treasury an adequate General Fund balance, considering cash flow, to meet the appropriations and express obligations as certified in subdivision (a) of this subsection.

(e) The rates of the sales and income taxes shall be fixed so that the total sales and use taxes levied will as nearly as possible equal the total income and franchise taxes levied for the calendar year for which the rates so fixed will be effective.

(f) For purposes of this subsection, total sales and use taxes levied shall mean the total state sales and use tax liability of all taxpayers for the ~~relevant period~~ calendar year minus total food sales tax credits attributable to the same period. Total income and franchise taxes levied shall mean the total state income and franchise tax liability of all taxpayers for the ~~relevant period~~ calendar year, before deduction of food sales tax credits.

(g) The sales tax rate so fixed by the board shall be an increment of one half of one per cent, and the income tax rate so fixed shall be an increment of one per cent.

(h) For purposes of this section, express obligation shall mean an obligation which has fiscal impact identifiable by a sum certain or by an established percentage or other determinative factor or factors.

(2) The board shall meet within thirty days after each special session of the Legislature, and also within thirty days after receiving a report from the Tax Commissioner that there have been significant changes in the provisions of the Internal Revenue Code of 1954 and amendments thereto, other provisions of the laws of the United States relating to federal income taxes, or the rules and regulations issued under such laws, and shall determine whether the rates for sales tax and income tax must be changed. In making such determination the board shall recalculate the requirements pursuant to the formula set forth in subsection (1) of this section, taking into consideration the appropriations and express obligations for such special session, all miscellaneous claims, deficiency bills, and all emergency appropriations.

In the event the board determines the rates must be changed as a result of such special session or as a result of a change in the provisions of the Internal Revenue Code of 1954 and amendments thereto, other provisions of the laws of the United States relating to federal income taxes, and the rules and regulations issued under such laws, such sales tax rate shall be made effective at the beginning of any calendar month within the current calendar year and such income tax rate shall be effective for the current taxable year.".

2. On page 58, line 19 strike "and"; after "77-2712," insert "and 77-2715.01,".

3. Renumber original section 7 as section 8.

Mr. Warner moved for a Call of the House. The motion prevailed with 26 ayes, 0 nays and 23 not voting.

Mr. Warner moved the Call be raised. The motion prevailed with 27 ayes, 0 nays and 22 not voting.

The Warner amendments were adopted with 26 ayes, 5 nays and 18 not voting.

Mr. Warner offered the following amendments:

1. On page 58, insert a new section to read as follows:

"Sec. 7. That section 77-2715.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2715.01. (1) ~~On~~ Except as provided in subsection (3) of this section, on or before November 15 of each year, the State Board of Equalization and Assessment shall set the rate of the income tax imposed by section 77-2715 for the taxable year beginning in the subsequent calendar year, and the rate of the sales tax imposed by subsection (1) of section 77-2703 which will be effective from January 1 through December 31 of the succeeding year.

(a) In fixing the rates, the State Board of Equalization and Assessment shall first determine the status of all fixed obligations for the biennium which must be financed from the receipts from the sales and use taxes, the individual and corporation income and franchise taxes and other miscellaneous receipts to the General Fund, from a certified statement of all appropriations made by the most recent regular session of the Legislature, which statement the Director of Administrative Services shall prepare and furnish prior to the convening of such board.

(b) If the Legislature should meet in a special session during any year, the board shall add to the appropriations as certified pursuant to subdivision (a) of this subsection, the appropriation for the legislative session, all miscellaneous claims, deficiency bills, and all emergency appropriations.

(c) The board shall then determine the balance of the General Fund at the beginning of the period under consideration and the estimated receipts to the General Fund from all sources other than the sales, use, income, and franchise taxes for this period.

(d) The board shall then set the rates of the sales tax and income tax so that the estimated funds available pursuant to subdivision (c) of this subsection plus estimated receipts from the sales, use, income, and franchise taxes will be not less than five per cent in excess of the appropriations as determined pursuant to subdivisions (a) and (b) of this subsection.

(e) The rates of the sales and income taxes shall be fixed so that the total sales and use taxes levied will as nearly as possible equal the total income and franchise taxes levied for the calendar year for which the rates so fixed will be effective.

(f) For purposes of this subsection, total sales and use taxes levied shall mean the total state sales and use tax liability of all taxpayers for the relevant period minus total food sales tax credits attributable to the same period. Total income and franchise taxes levied shall mean the total state income and franchise tax liability of all taxpayers for the relevant period, before deduction of food sales tax credits.

(g) The sales tax rate so fixed by the board shall be an increment of one half of one per cent, and the income tax rate so fixed shall be an increment of one per cent.

(2) The board shall meet within thirty days after each special session of the Legislature, and also within thirty days after receiving a report from the Tax Commissioner that there have been significant changes in the provisions of the Internal Revenue Code of 1954 and amendments thereto, other provisions of the laws of the United States relating to federal income taxes, or the rules and regulations issued under such laws, and shall determine whether the rates for sales tax and income tax must be changed. In making such determination the board shall recalculate the requirements pursuant to the formula set forth in subsection (1) of this section, taking into consideration the appropriations for such special session, all miscellaneous claims, deficiency bills, and all emergency appropriations.

In the event the board determines the rates must be changed as a result of such special session or as a result of a change in the provisions of the Internal Revenue Code of 1954 and amendments thereto, other provisions of the laws of the United States relating to federal income taxes, and the rules and regulations issued under such laws, such sales tax rate shall be made effective at the beginning of any calendar month within the current calendar year and such income tax rate shall be effective for the current taxable year.

(3) For the taxable year commencing January 1, 1973, the income tax rate shall be thirteen per cent.".

2. Renumber original section 7 as section 8.

3. On page 58, line 19, strike "and" and insert "and 77-2715.01," after "77-2712,".

Mr. Carpenter requested a roll call vote.

Voting in the affirmative, 21:

Burbach
Carpenter
C. Carsten
DeCamp
Dickinson
Epke
Johnson
Kelly
F. Lewis
Luedtke
Murphy
Proud
Rasmussen
Schmit
Simpson
Stahmer
Stromer
Stull
Warner
Whitney
Wiltse

Voting in the negative, 18:

F. Carstens Cavanaugh Fellman Fowler Goodrich
Hasebroock Kennedy Keyes Kremer R. Lewis
Mahoney Maresh Moylan Richendifer Savage
Skarda Snyder Syas

Not voting, 10:

Anderson Barnett Chambers Clark Duis
Kime Marsh Marvel Nore Waldron

The amendments lost with 21 ayes, 18 nays and 10 not voting.

Mr. Cavanaugh offered the following amendment:

That section 77-2703, Revised Statutes Supplement, 1969, be amended to read as follows:

77-2703. (1) There is hereby imposed a tax of two and one half per cent upon the gross receipts from all sales of tangible personal property sold at retail in this state, the gross receipts of every person engaged as a public utility or as a community antenna television service operator, and the gross receipts from the sale of admissions in this state. ~~until January 1, 1970, and on and after such date the rate shall be that which is set by the State Board of Equalization and Assessment as provided in section 77-2715.01.~~

That section 77-2715, Revised Statutes Supplement, 1969, be amended to read as follows:

77-2715. (1) A tax is hereby imposed for each taxable year on the entire income of every resident individual of this state and on the income of every nonresident individual of this state which is derived from sources within this state. The tax shall be fifteen per cent ~~a flat percentage~~ of, for each resident individual, the taxpayer's adjusted federal income tax liability for the taxable year, and for each nonresident individual, the taxpayer's adjusted federal income tax liability for the taxable year which is attributable to income derived from sources within this state.

That section 77-2734, Revised Statutes Supplement, 1969, be amended to read as follows:

77-2734. (1) Commencing January, 1973, a ~~A~~ tax is hereby imposed for each taxable year on the taxable income derived from sources within this state of any corporation or any other entity taxed as a corporation under the Internal Revenue Code whose business within this state during the taxable year consists exclusively of foreign commerce, interstate commerce, or both, at a rate of three and one-quarter per cent. ~~equal to twenty-five per cent of the rate imposed on individuals under section 77-2715. For any taxpayer subject to this section whose fiscal year does not coincide with the calendar year, the rate initially set shall also apply for the period from January 1, 1968, to the last day of his then current fiscal year.~~

That original sections 77-2703, 77-2715, and 77-2734, R. R. S. 1943, and also section 77-2715.01, R. R. S. 1943, are repealed.

The amendments lost with 13 ayes, 20 nays and 16 not voting.

Advanced to E & R for Engrossment with 28 ayes, 2 nays and 19 not voting.

MOTION—Return LB 529 to Select File

Mr. Barnett moved to return LB 529 to Select File for the following specific amendment:
Adopt the second Warner amendment found in today's Journal.

Mr. Simpson moved for a Call of the House. The motion prevailed with 18 ayes, 13 nays and 18 not voting.

The Call showed 42 members present.

Mr. Skarda moved the Call be raised. The motion lost with 24 ayes, 10 nays and 15 not voting.

Mr. Barnett requested a roll call vote.

Voting in the affirmative, 24:

Barnett Burbach Carpenter C. Carsten DeCamp
Dickinson Epke Johnson Kelly Kremer
F. Lewis Luedtke Murphy Nore Proud
Rasmussen Schmit Simpson Stahmer Stromer
Stull Warner Whitney Wiltse

Voting in the negative, 18:

F. Carstens Cavanaugh Fellman Fowler Goodrich
Hasebroock Kennedy Keyes R. Lewis Mahoney
Maresh Moylan Richendifer Savage Skarda
Snyder Syas Waldron

Not voting, 7:

Anderson Chambers Clark Duis Kime
Marsh Marvel

The motion lost with 24 ayes, 18 nays and 7 not voting.

Mr. Simpson moved the Call be raised. The motion prevailed with 26 ayes, 3 nays and 20 not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 366. Replaced on Select File as amended.
E & R amendments to LB 366:

(The following amendments are offered pursuant to the Goodrich motions adopted 5/23/73.)

1. Strike E & R amendments 6 and 7, adopted 5/14/73.

2. On page 4, line 3, insert ", including a wholly owned affiliate or duly authorized agent for a manufacturer" after "defined".

3. On page 18, strike lines 8 to 11 and insert:

"Sec. 6. That original sections 53-117 and 53-175, Reissue Revised Statutes of Nebraska, 1943, and section 53-103, Revised Statutes Supplement, 1972, are repealed.".

4. In the title, as amended, strike beginning with "as" in line 4 through the third comma in line 6.

LEGISLATIVE BILL 111. Replaced on Select File as amended.
E & R amendments to LB 111:

(The following amendments are offered pursuant to the Goodrich motions adopted 5/23/73.)

1. In standing committee amendments, page 9, after line 4, insert:

"(29) Cost shall mean the price of any item of liquor to the retailer plus fifteen per cent of such price, which is declared as a matter of legislative determination to represent the average minimum overhead necessarily incurred in connection with the sale by the retailer of such item of liquor.

(30) Price shall mean the maximum price per case or per container if sold in broken case lots to the retail licensee contained in the applicable schedules or amendments filed with the commission pursuant to sections 53-168.02 and 53-168.03 by the wholesaler, distributor, or manufacturer for the twelve-month period immediately preceding the latest filing of such schedules or amendments.".

2. In the title, as amended, lines 7 and 8, strike "redefine a term" and insert "define and redefine terms".

(Signed) John J. Cavanaugh, Chairman

SELECT FILE

LEGISLATIVE BILL 366. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Re-engrossment.

LEGISLATIVE BILL 111. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Re-engrossment.

MOTION—Return LB 378 to Select File

Mr. Schmit moved to return LB 378 to Select File for the following specific amendment:

(1) Strike title and Sections 1 and 2 of the original bill and substitute in lieu thereof the following:

A BILL

FOR AN ACT to amend section 81-217.13, Reissue Revised Statutes of Nebraska, 1943, relating to the sale and distribution of food for human consumption; to provide consumer protection in the purchase of synthetic food products by separation of display or suitable labeling for sale purposes of synthetic food products and their natural food counterparts; to render certain acts unlawful; to repeal the original section and to declare an emergency.

Section 1. That section 81-217.13, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-217.13. The following acts and the causing thereof within the State of Nebraska are hereby prohibited:

(1) The manufacture, sale or delivery, holding or offering for sale of any food that is adulterated or misbranded;

(2) The adulteration or misbranding of any food;

(3) The tender into commerce of any food that is adulterated or misbranded, and the receipt or proffered receipt thereof by any consignor for pay or otherwise;

(4) The sale, delivery for sale, holding for sale, or offering for sale of any article in violation of section 81-217.22;

(5) The dissemination of any false advertisement;

(6) The refusal to permit entry or inspection, or to permit the taking of a sample, as authorized by section 81-217.26;

(7) The giving of a guaranty or undertaking which guaranty or undertaking is false, except by a person who relied on a guaranty or undertaking to the same effect signed by and containing the name and address of the person residing in the State of Nebraska from whom he received in good faith the food;

(8) The removal or disposal of a detained or embargoed article in violation of section 81-217.16;

(9) The alteration, mutilation, destruction, obliteration, or removal of the whole or any part of the labeling of, or the doing of any

other act with respect to a food, if such act is done while such article is held for sale and results in such article being adulterated or misbranded;

(10) Forging, counterfeiting, simulating, or falsely representing, or without proper authority using any mark, stamp, tag, label or other identification device authorized or required by sections 81-217.11 to 81-217.27 or regulations promulgated under the provisions of sections 81-217.11 to 81-217.27; and

(11) Offering for sale in the same display case or refrigerated cabinet at any retail establishment, any synthetic meat, fish or poultry product together with the display for sale of the natural food product in such manner that the consumer may be deceived in the selection of product from said display case or refrigerated cabinet, provided however, the same display case or refrigerated cabinet may be used for both synthetic and natural products offered for sale if conspicious printed signs are prominately displayed on the case or cabinet providing notice to consumers of the synthetic product contained therein with the natural product and provided further that the synthetic product be correctly and conspiciously labeled with the term "synthetic" in print of the same size used to identify the product and that the label contain a detailed statement of ingredient and nutritional value and pricing information conforming to section 89-191, R.S. Supp., 1972

Section 2. That original section 81-217.13, Reissue Revised Statutes of Nebraska, 1943, is repealed.

The motion prevailed with 25 ayes, 0 nays and 24 not voting.

SPEAKER PROUD PRESIDING

SELECT FILE

LEGISLATIVE BILL 378. The Schmit specific amendment found in this day's Journal was adopted with 26 ayes, 1 nay and 22 not voting.

Advanced to E & R for Re-engrossment.

UNANIMOUS CONSENT—Member Excused

Mr. Moylan asked unanimous consent to be excused for the remainder of the afternoon. No objections. So ordered.

MR. WHITNEY PRESIDING

MOTION—Return LB 111 to Select File

Mr. Proud moved to return LB 111 to Select File for the following specific amendment:

1. I move to strike the Carpenter amendment to page 15 after

line 4 and section 4 adopted May 17, 1973 and Enrollment and Review amendments 4 and 5 of May 18, 1973.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now cease?" The motion prevailed with 26 ayes, 1 nay and 22 not voting.

Mr. Proud moved for a Call of the House. The motion prevailed with 22 ayes, 8 nays and 19 not voting.

The Call showed 39 members present.

Mr. Proud moved to raise the Call. The motion prevailed with 34 ayes, 1 nay and 14 not voting.

The Proud motion to return LB 111 to Select File prevailed with 26 ayes, 8 nays and 15 not voting.

SELECT FILE

LEGISLATIVE BILL 111. Mr. Carpenter requested a record vote on the Proud specific amendment in this day's Journal.

Voting in the affirmative, 26:

Barnett
Burbach
Carpenter
C. Carsten
Cavanaugh
Dickinson
Epke
Fellman
Fowler
Goodrich
Johnson
Keyes
F. Lewis
R. Lewis
Luedtke
Mahoney
Murphy
Proud
Savage
Schmit
Simpson
Skarda
Snyder
Stahmer
Syas
Whitney

Voting in the negative, 12:

DeCamp
Hasebroock
Kelly
Kremer
Maresh
Nore
Richendifer
Stromer
Stull
Waldron
Warner
Wiltse

Not voting, 11:

Anderson
F. Carstens
Chambers
Clark
Duis
Kennedy
Kime
Marsh
Marvel
Moylan
Rasmussen

The amendment was adopted with 26 ayes, 12 nays and 11 not voting.

Mr. Simpson asked unanimous consent to add his name to LB 111. No objections. So ordered.

Advanced to E & R for Re-engrossment.

SELECT COMMITTEE REPORTS
Committee on Committees

May 23, 1973

The Committee on Committees desires to report favorably upon the appointments listed below which were submitted by Governor J. James Exon. The Committee suggests that the appointments be confirmed by the Legislative Body and suggests a record vote:

Ronald Woodward – Advisory Committee to the Department of Economic Development

Committee Vote: For: (8) Senators Barnett, Epke, Johnson, Luedtke, Nore, Snyder, Whitney and Wiltse

Against: None

Absent and not voting: (5) Senators Chambers, Duis, Stahmer, Stromer and Stull

William Dobler – State Commission for Higher Educational Aid

Committee Vote: For: (8) Senators Barnett, Epke, Johnson, Luedtke, Nore Snyder, Whitney and Wiltse

Against: None

Absent and not voting: (5) Senators Chambers, Duis, Stahmer, Stromer and Stull

William C. Peters – Personnel Director – Code of Ethics Board

Committee Vote: For: (8) Senators Barnett, Epke, Johnson, Luedtke, Nore Snyder, Whitney and Wiltse

Against: None

Absent and not voting: (5) Senators Chambers, Duis, Stahmer, Stromer and Stull

Respectfully submitted,

(Signed) Ramey C. Whitney, Chairman
Committee on Committees

The Committee on Committees desires to report favorably upon the appointment listed below which was submitted by Governor J. James Exon. The Committee suggests that the appointment be confirmed by the Legislative Body and suggests a record vote:

Francis Hanna – Motor Vehicle Industry Licensing Board

Committee Vote: For: (8) Senators Barnett, Epke, Johnson, Luedtke, Nore, Snyder, Whitney and Wiltse

Against: None

Absent and not voting: (5) Senators Chambers, Duis, Stahmer, Stromer and Stull

Respectfully submitted,

(Signed) Ramey C. Whitney, Chairman
Committee on Committees

SELECT FILE

LEGISLATIVE BILL 530. Mr. Carpenter offered the following amendment:

Amend section 77-202.03 to include the following:

During the month of September of each year, the county board shall cause to be published in a paper of general circulation in the county, a list of all real estate in the county exempt from taxation in that year pursuant to sections 77-202 through 77-202.07, except real estate owned by the state or its governmental subdivisions. This list shall be grouped into categories as shall be provided by the Tax Commissioner which categories will identify the type of ownership and such list shall identify the organization, the town in which the property is located if inside city or municipal limits, and the number of parcels of real estate exempted.

The amendment was adopted with 31 ayes, 0 nays and 18 not voting.

Mr. Carpenter offered the following amendments:

1. On page 4, insert a new section 5 as follows:

"Sec. 5. Any taxpayer aggrieved by a reappraisal as approved by the Tax Commissioner may file an appeal in the district court of the county in which the property reappraised is located within 30 days after the date of the approval of the reappraisal by the Tax Commissioner or within thirty days after any approval of reappraisal by the Tax Commissioner.

Any taxpayer may appeal in a class action as provided in section 25-319. All appeals shall be taken as provided in Chapter 84, article 9. The Tax Commissioner shall cause to be advertised the fact of such approval in a paper of general circulation in the county. The thirty day appeal period shall run from the first day of such publication.

2. Renumber original sections 5 to 7 as sections 6 to 8 respectively.

The amendments were adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT–Members Excused

Messrs. F. Carstens, Skarda and Mahoney asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 114. Mr. Carpenter offered the following amendment:

1. Amend Standing Committee amendment 1, lines 23 to 25 and lines 1 to 4 by striking subdivision (4) and show as stricken matter and inserting the following:

"(4) In 1973, the first ninety per cent of the first seventy-five hundred dollars of the actual value of any homestead, and in 1974 and each year thereafter, the first ninety per cent of the first fifteen thousand dollars of the actual value of any homestead of persons qualifying under subdivision (4) of section 77-202.12.".

Mr. Carpenter requested a roll call vote.

Voting in the affirmative, 28:

Barnett Carpenter C. Carsten Cavanaugh DeCamp
Dickinson Fellman Fowler Goodrich Hasebroock
Johnson Keyes Kremer F. Lewis Luedtke
Maresh Marsh Nore Rasmussen Savage
Schmit Simpson Snyder Stahmer Syas
Waldron Warner Wiltse

Voting in the negative, 8:

Burbach Epke Kelly Kennedy Murphy
Richendifer Stromer Whitney

Not voting, 13:

Anderson F. Carstens Chambers Clark Duis
Kime R. Lewis Mahoney Marvel Moylan
Proud Skarda Stull

The amendments were adopted with 28 ayes, 8 nays and 13 not voting.

The Warner pending amendment found in the Journal on page 1111 for the Sixty-second day was adopted with 28 ayes, 0 nays and 21 not voting.

Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 526. Replaced on Select File as amended.
E & R amendment to LB 526:

1. In the title, line 11, insert "to provide for mandatory examinations;" after the semicolon.

LEGISLATIVE BILL 111. Replaced on Select File as amended.
E & R amendments to LB 111:

In lieu of the Proud amendment:

1. Strike sections 8 and 9 and renumber sections 10 to 12 as sections 8 to 10.
2. In renumbered section 9, strike line 4 and insert "53-125, and 53-164.01, Revised".
3. In the title as amended, line 5, strike "53-164.01, 53-168, and" and insert "and 53-164.01,"; in line 6, strike "53-168.02,"; and strike lines 14 and 15 and insert "certain sales; to repeal the original".

LEGISLATIVE BILL 378. Replaced on Select File as amended.
E & R amendments to LB 378:

1. The new language therein being the same as that found in the standing committee amendments, strike the Schmit amendments adopted 5/23/73.
2. In line 44 of section 1 as found in the standing committee amendments, strike "that" and strike "contain" and insert "contains".

(Signed) John J. Cavanaugh, Chairman

UNANIMOUS CONSENT–Change of Order

Mr. Cavanaugh asked unanimous consent to consider the Select File bills at this time. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 526. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 111. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Re-engrossment.

LEGISLATIVE BILL 378. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Re-engrossment.

MOTION–Return LB 378 to Select File

Mr. Schmit moved to return LB 378 to Select File for the following specific amendment:

Standing Committee amendment to L.B. 378 as previously amended
(See Legislative Journal -- May 11, 1973 -- at page 1625-26)
Strike language commencing at line 33 through and including line
45 and insert in lieu thereof the following language:

(11) Offering for sale in the same display case
or refrigerated cabinet at any retail estab-
lishment, any meat, fish or poultry or meat,
fish or poultry product containing binders,
blenders or extenders together with the display
of any natural food product in such manner that
the purchaser may be misled or in any way deceived
in the selection of such product from the display
case or refrigerated cabinet; provided, that the
same display case or refrigerated cabinet may be
used for both meat, fish or poultry or the products
made therefrom and meat, fish or poultry products
containing binders, blenders or extenders providing
notice to purchasers is conspicously posted on the
display case or refrigerated cabinet that the case
or cabinet contains both natural product and
natural product together with binders, blenders

or extenders added and provided further that the
meat, fish or poultry or meat, fish or poultry
products containing binders, blenders or extenders
be correctly and conspicously labeled with the
term "Product containing binders", "Product containing blenders", or "Product containing extenders",
as applicable, in print of the same size used to
identify the product and that the label contain a
detailed statement of ingredients and nutritional
value together with pricing information pursuant
to Section 89-191.

The motion prevailed with 28 ayes, 0 nays and 21 not voting.

SELECT FILE

LEGISLATIVE BILL 378. The Schmit specific amendment found in this day's Journal was adopted with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Re-engrossment.

VISITORS

The following guests were introduced: 74 Eighth Grade students and teachers from Mary Our Queen School, Omaha; former Senator Mr. Harris of Fremont; Mr. Stephen Marsh, son of President and Senator Shirley Marsh, back home after attending University of Vienna last four years; Olga Simoes, exchange student in Saginaw, Michigan; Olavo Simoes, exchange student in Lincoln attending South East High from San Paulo, Brazil.

ADJOURNMENT

Mr. Goodrich moved to adjourn until 8:00 a.m., Thursday, May 24.

Mr. Proud moved to amend the motion to 9:00 a.m. The amendment was adopted.

At 4:40 p.m., on a motion by Mr. Goodrich, the Legislature adjourned until 9:00 a.m., Thursday, May 24, 1973.

Vincent D. Brown
Clerk of the Legislature

EIGHTY-EIGHTH DAY—MAY 24, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

EIGHTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 24, 1973

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Marsh presiding.

PRAYER

The prayer was offered by the Chaplain.

> Our heavenly Father, in this moment of prayer, when there is silence in this senate chamber, may there not be silence in Thy presence. May our prayers be heard.
>
> May no short circuits be made by our lack of faith, our high professions joined to low attainments, our fine words hiding shabby thoughts, or friendly faces masking cold hearts.
>
> Out of the same old needs, conscious of the same old faults, we pray on the same old terms for new mercies and new blessings. In the name of Christ our Lord. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Anderson, Clark, and Kime who were excused; and Mr. Snyder who was excused until 9:30 a.m.

CORRECTIONS FOR THE JOURNAL

Page 1829, line 16, insert "Advanced to E & R for Re-engrossment."
Page 1847, last line, correct spelling of "Cavanaugh".
The Journal for the Eighty-seventh Day was approved as corrected.

POINT OF PERSONAL PRIVILEGE

PRESIDENT: Senator Carpenter, for what purpose do you rise:

SENATOR CARPENTER: A matter of personal privilege.

PRESIDENT: State your point, Senator.

SENATOR CARPENTER: Mr. President, I think this is quite important to you as members of this body. It's becoming accepted to a greater extent as time goes on that Senator Carpenter has everyone in this body afraid to the point of some kind of fear that I'm attempting, and do to some unknown degree, run this Legislature. I'd like to pose three questions. Number 1; those Senators who are in that category, if any, who are afraid of me because whatever unknown powers I might possess or not possess, are afraid of Senator Carpenter. Those who are in that category, I wish you'd stand up.

PRESIDENT: Senator Richendifer.

SENATOR RICHENDIFER: Mr. President, as a--being a member of the Four Horsemen, I'm definitely scared to death.

SENATOR CARPENTER: Well, will the Clerk record for the record that he is the only one who stood up and admitted that I had some strange power over him that he couldn't control. My friends, this is not asked in the degree of levity because it's not. This body has been put on an uncomfortable position by the words of others without only foundation of fact that many people are beginning to feel this is a fact of life in this Legislature. I know that it is not. I only wish that it was. Now the Number 2 question I would like to ask this body--how many Senators in this session has Senator Carpenter asked for your vote on anything? Will you please raise your hand? After all, if I have the power certainly I have to be effective to let you people know what I wanted. Will those Senators who I have asked as a personal request to vote for any bill that I have, will you raise your hand? I'd like to have the Clerk recall that there were none. Now let me say, if there are 25 members present this morning who feel that Senator Carpenter is somewhat of a detrimental influence on this body who really doesn't serve any good purpose and this body would be better off without him, I say and I would stand by it, if there are that number, I'll resign from this seat instantly. Those who might feel that, would you please stand? Now I'm not trying to embarrass you, this is important to both you and me. Let me say that I have, I presume, assumed those things which rightfully don't belong to me in the area only to attempt to expedite the business of this body and I can say to you honestly and sincerely, when I come back in January as I shall, the Lord willing, that I'm going to change my position. I'm going to change my activity, being that of a counterpuncher. I've been impressed by those who say they don't understand and I presume I'm one of those also. I think that from January on we have the responsibility to understand everything we do even though it might curtail the consideration of bills to the point, at least those we pass, we'll be able to say to our constituents, we understood it and to that extent I will dedicate myself to see that that happens. Thank you.

UNANIMOUS CONSENT–Member Excused

Mr. Whitney asked unanimous consent to be excused at 3:45 p.m. today. No objections. So ordered.

MESSAGE FROM THE GOVERNOR

May 23, 1973

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

Upon request from Senator Goodrich, I had delayed until this final day to act on LB 315.

Senator Goodrich had received an Attorney General's opinion indicating that there were potential constitutional questions in this act.

Senator Goodrich has reported to my office this afternoon that there seemed to be little support on the floor to recall this bill for further legislative consideration in spite of the Attorney General's opinion.

This is to advise you that I have therefore signed LB 315 into law as the Legislature has indicated by its original final vote of 33 to 11 on the measure.

You may wish to take possible corrective action on this measure in the next session.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:fw

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly re-engrossed: 366; the following bill was correctly engrossed: 526.

(Signed) John J. Cavanaugh, Chairman

UNANIMOUS CONSENT–Unbracket LB 10 on Select File

Mr. Warner asked unanimous consent to unbracket LB 10 on Select File.

Mr. Syas objected.

Mr. Warner moved to unbracket LB 10. The motion prevailed with 25 ayes, 15 nays and 9 not voting.

SELECT FILE

LEGISLATIVE BILL 10. Mr. Warner offered the following amendments:

1. Strike sections 1 and 2 and insert:

"Section 1. That section 77-2715.01, Reissue Revised Statutes of Nebraska, 1943, as amended by section 7, Legislative Bill 529, Eighty-third Legislature, First Session, 1973, be amended to read as follows:

77-2715.01. (1) ~~On~~ Except as provided in subsection (3) of this section, on or before November 15 of each year, the State Board of Equalization and Assessment shall set the rate of the income tax imposed by section 77-2715 for the taxable year beginning in the subsequent calendar year, and the rate of the sales tax imposed by subsection (1) of section 77-2703 which will be effective from January 1 through December 31 of the succeeding year.

Recognizing that an adequate cash flow is necessary to maintain the orderly implementation of various legislative acts, it is mandatory that the funding of those acts which have a fiscal impact beyond a current appropriations year be considered when setting the sales and income tax rates. Accordingly, the purpose of this subsection is to provide that the State Board of Equalization and Assessment shall set rates based on appropriations and the express obligations of the Legislature for the two succeeding calendar years following the rate-setting date. Such action will provide an adequate cash flow, the orderly implementation of the funding of acts as intended by the Legislature, and eliminate drastic fluctuations in the state sales and income tax rates.

(a) In fixing the rates, the State Board of Equalization and Assessment shall first determine the status of all appropriations and express obligations for the next two succeeding calendar years following the rate-setting date which must be financed from the receipts from the sales and use taxes, the individual and corporation income and franchise taxes and other miscellaneous receipts to the General Fund, from a certified statement of all appropriations and express obligations for the next two succeeding calendar years following the rate-setting date made by the most recent regular session of the Legislature, which statement the Director of Administrative Services shall prepare and furnish prior to the convening of such board.

(b) If the Legislature should meet in a special session during any year, the board shall add to the appropriations and express obligations as certified pursuant to subdivision (a) of this subsection, the appropriation for the legislative session, all miscellaneous claims, deficiency bills, and all emergency appropriations and express obligations.

(c) The board shall then determine the balance of the General Fund at the beginning of the period under consideration and the estimated receipts to the General Fund from all sources other than the sales, use, income, and franchise taxes for this period.

(d) The board shall then set the rates of the sales tax and income tax so that the estimated funds available purusant to subdivision (c) of this subsection plus estimated receipts from the sales, use, income, and franchise taxes will be not less than five per cent in excess of the appropriations and express obligations for the next two succeeding calendar years following the rate-setting date as determined pursuant to subdivisions (a) and (b) of this subsection. The purpose of this subdivision is to insure that there shall be maintained in the state treasury an adequate General Fund balance, considering cash flow, to meet the appropriations and express obligations as certified as provided in subdivision (a) of this subsection.

(e) The rates of the sales and income taxes shall be fixed so that the total sales and use taxes levied will as nearly as possible equal the total income and franchise taxes levied for the calendar year for which the rates so fixed will be effective.

(f) For purposes of this subsection, total sales and use taxes levied shall mean the total state sales and use tax liability of all taxpayers for the calendar year minus total food sales tax credits attributable to the same period. Total income and franchise taxes levied shall mean the total state income and franchise tax liability of all taxpayers for the calendar year, before deduction of food sales tax credits.

(g) The sales tax rate so fixed by the board shall be an increment of one half of one per cent, and the income tax rate so fixed shall be an increment of one per cent.

(h) For purposes of this section, express obligation shall mean an obligation which has fiscal impact identifiable by a sum certain or by an established percentage or other determinative factor or factors.

(2) The board shall meet within thirty days after each special session of the Legislature, and also within thirty days after receiving a report from the Tax Commissioner that there have been significant changes in the provisions of the Internal Revenue Code of 1954 and amendments thereto, other provisions of the laws of the United States relating to federal income taxes, or the rules and regulations issued under such laws, and shall determine whether the rates for sales tax and income tax must be changed. In making such determination the board shall recalculate the requirements pursuant to the formula set forth in subsection (1) of this section, taking into consideration the appropriations and express obligations for such special session, all miscellaneous claims, deficiency bills, and all emergency appropriations.

In the event the board determines the rates must be changed as a result of such special session or as a result of a change in the provisions of the Internal Revenue Code of 1954 and amendments thereto, other provisions of the laws of the United States relating to federal income taxes, and the rules and regulations issued under such laws, such sales tax rate shall be made effective at the beginning of any calendar month within the current calendar year and such income tax rate shall be effective for the current taxable year.

(3) For the taxable year commencing January 1, 1973, the individual income tax rate shall be thirteen per cent.

Sec. 2. That original section 77-2715.01, Reissue Revised Statutes of Nebraska, 1943, as amended by section 7, Legislative Bill 529, Eighty-third Legislature, First Session, 1973, is repealed.".

2. In the title, strike lines 2 to 6 and amendments thereto and insert:

"FOR AN ACT to amend section 77-2715.01, Reissue Revised Statutes of Nebraska, 1943, as amended by section 7, Legislative Bill 529, Eighty-third Legislature, First Session, 1973, relating to taxation; to set the individual income tax rate for 1973; and to repeal the original section.".

The amendments were adopted with 25 ayes, 16 nays and 8 not voting.

Advanced to E & R for Engrossment with 25 ayes, 12 nays and 12 not voting.

MESSAGE FROM THE GOVERNOR

May 23, 1973

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bill No. 516.

This bill was signed by me on May 23, 1973 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

MOTION–Return LB 275 to Select File

Mr. Kelly moved to return LB 275 to Select File for the following specific amendment:

Strike the Goodrich amendment and reinstate the Standing Committee amendment to LB 275.

The motion lost with 14 ayes, 19 nays and 16 not voting.

MOTION–Suspend Rules

Mr. Carpenter moved to suspend the Rules to consider the Final Reading bills thru those set for May 25. The motion prevailed with 33 ayes, 1 nay and 15 not voting.

MOTION–Return LB 10 to Select File

Mr. Cavanaugh moved to return LB 10 to Select File for the following specific amendments:

That section 77-2703, Revised Statutes Supplement, 1969, be amended to read as follows:

77-2703. (1) There is hereby imposed a tax of two and one half per cent upon the gross receipts from all sales of tangible personal property sold at retail in this state, the gross receipts of every person engaged as a public utility or as a community antenna television service operator, and the gross receipts from the sale of admissions in this state. ~~until January 1, 1970, and on and after such date the rate shall be that which is set by the State Board of Equalization and Assessment as provided in section 77-2715.01~~.

That section 77-2715, Revised Statutes Supplement, 1969, be amended to read as follows:

77-2715. (1) A tax is hereby imposed for each taxable year on the entire income of every resident individual of this state and on the income of every nonresident individual of this state which is derived from sources within this state. The tax shall be thirteen per cent ~~a flat percentage~~ of, for each resident individual, the taxpayer's adjusted federal income tax liability for the taxable year, and for each nonresident individual, the taxpayer's adjusted federal income tax liability for the taxable year which is attributable to income derived from sources within this state.

That section 77-2734, Revised Statutes Supplement, 1969, be amended to read as follows:

77-2734. (1) Commencing January, 1973, a ~~A~~ tax is hereby imposed for each taxable year on the taxable income derived from sources within this state of any corporation or any other entity taxed as a corporation under the Internal Revenue Code whose business within this state during the taxable year consists exclusively of foreign commerce, interstate commerce, or both, at a rate of three and one-quarter per cent. ~~equal to twenty-five per cent of the rate imposed on individuals under section 77-2715. For any taxpayer subject to this section whose fiscal year does not coincide with the calendar year, the rate initially set shall also apply for the period from January 1, 1968, to the last day of his then current fiscal year.~~

That original sections 77-2703, 77-2715, and 77-2734, R. R. S. 1943, and also section 77-2715.01, R. R. S. 1943, are repealed.

Mr. Carpenter requested a roll call vote.

Voting in the affirmative, 21:

Carpenter F. Carstens Cavanaugh Chambers DeCamp
Fellman Fowler Goodrich Hasebroock Johnson
Kelly Kennedy Keyes F. Lewis Mahoney
Moylan Rasmussen Richendifer Skarda Stahmer
Waldron

Voting in the negative, 25:

Barnett Burbach C. Carsten Dickinson Duis
Epke Kremer R. Lewis Luedtke Maresh
Marsh Marvel Murphy Nore Proud
Savage Schmit Simpson Snyder Stromer
Stull Syas Warner Whitney Wiltse

Not voting, 3:

Anderson	Clark	Kime

The motion lost with 21 ayes, 25 nays and 3 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE RESOLUTION 23.

WHEREAS, the sweeping judgment of the United States Supreme Court in the Texas and Georgia abortion cases expressly deprived the unborn of legal and constitutional protection during their gestation; and

WHEREAS, such judicial holding condones the destruction of an entire class of live human beings; and

WHEREAS, in states in which abortion laws have recently been relaxed or repealed, professional medical ethics and respect for unborn human life have proved to be wholly inadequate for the reasonable protection of the lives of the unborn; and

WHEREAS, a legal threat to the right to life of any individual member of a society imperils the right to life of every other member of that society; and

WHEREAS, human life in all stages is entitled to the protection of the laws and may not be abridged by act of any court or legislature or by any judicial interpretation of the Constitution of the United States; and

WHEREAS, the issue is of such great magnitude – the extent to which human life itself is protected under the Constitution; and

WHEREAS, the Legislature of this state believes it to be in the best interest of the people of the United States that an amendment to the Constitution of the United States be adopted to protect unborn human lives.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Congress of the United States take appropriate action to adopt a Constitutional Amendment that will guarantee the explicit protection of all unborn human life by extending the appropriate constitutional rights, including due process of law, which apply to the unborn in an appropriate manner and to the same extent as all other citizens of the United States, and will guarantee that no human life will be denied protection of law or deprived of life on account of age, sickness, stage of development, or condition of dependency or wantedness.

2. That the Clerk of the Legislature transmit a copy of this Resolution to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, each member of the Nebraska Congressional delegation, each member of the United States

Supreme Court, and to the legislatures of each of the several states.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?' "

Voting in the affirmative, 39:

Barnett Burbach Carpenter C. Carsten F. Carstens
Cavanaugh DeCamp Dickinson Epke Fellman
Goodrich Hasebroock Johnson Kelly Kennedy
Keyes Kremer F. Lewis R. Lewis Luedtke
Mahoney Maresh Marvel Moylan Nore
Proud Rasmussen Richendifer Savage Schmit
Simpson Skarda Snyder Stromer Stull
Syas Waldron Warner Wiltse

Voting in the negative, 4:

Chambers Fowler Marsh Stahmer

Not voting, 6:

Anderson Clark Duis Kime Murphy
Whitney

A constitutional majority having voted in the affirmative, the resolution was declared passed.

LEGISLATIVE BILL 552.

A BILL FOR AN ACT to amend sections 23-151, 23-204, and 23-269, Reissue Revised Statutes of Nebraska, 1943, and section 23-343.25, Revised Statutes Supplement, 1972, relating to counties; to provide for township elections as prescribed; to provide for election of officers in township counties; to provide when counties under a commissioner or township organization may elect commissioners on an at-large basis; to provide that officers of a local hospital district may be elected at the time of the statewide primary on a nonpartisan basis as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Barnett Burbach Carpenter C. Carsten F. Carstens

Chambers
DeCamp
Dickinson
Duis
Epke
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kremer
F. Lewis
R. Lewis
Luedtke
Maresh
Marsh
Marvel
Moylan
Murphy
Nore
Proud
Rasmussen
Savage
Schmit
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Wiltse

Voting in the negative, 1:

Whitney

Not voting, 6:

Anderson
Cavanaugh
Clark
Kime
Mahoney
Richendifer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 553.

A BILL FOR AN ACT to repeal section 33-137, Revised Statutes Supplement, 1972, relating to fees of election of officers in counties having less than fifty thousand population.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Chambers
Dickinson
Duis
Epke
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kremer
F. Lewis
R. Lewis
Luedtke
Maresh
Marsh
Marvel
Moylan
Murphy
Nore
Proud
Rasmussen
Savage
Schmit
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 7:

Anderson Cavanaugh Clark DeCamp Kime
Mahoney Richendifer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 554.

A BILL FOR AN ACT to amend sections 49-204, 49-209, and 49-210, Reissue Revised Statutes of Nebraska, 1943, relating to voting on constitutional amendments; to provide duties for county clerks and election commissioners; to provide for the list of voters and summary of votes cast; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Barnett Burbach Carpenter C. Carsten F. Carstens
Cavanaugh Chambers Dickinson Duis Epke
Fellman Fowler Goodrich Hasebroock Johnson
Kelly Kennedy Keyes Kremer F. Lewis
R. Lewis Luedtke Mahoney Maresh Marsh
Marvel Moylan Murphy Nore Proud
Rasmussen Savage Schmit Simpson Snyder
Stahmer Stromer Stull Syas Waldron
Warner Whitney Wiltse

Voting in the negative, 0.

Not voting, 6:

Anderson Clark DeCamp Kime Richendifer
Skarda

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION—Return LB 365 to E & R Final

Mr. Waldron moved to return LB 365 to E & R Final for correction. The motion prevailed with 33 ayes, 0 nays and 16 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 555.

A BILL FOR AN ACT to amend section 51-202, Revised Statutes Supplement, 1972, relating to a city or village library; to provide for election or appointment of members and their terms of office; to provide no compensation for members of the board; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
Duis
Epke
Fellman
Fowler
Goodrich
Johnson
Kelly
Kennedy
Keyes
Kremer
F. Lewis
R. Lewis
Luedtke
Maresh
Marsh
Moylan
Murphy
Nore
Proud
Rasmussen
Savage
Schmit
Simpson
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 10:

Anderson
Clark
DeCamp
Dickinson
Hasebroock
Kime
Mahoney
Marvel
Richendifer
Skarda

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 556.

A BILL FOR AN ACT to amend section 53-122, Revised Statutes Supplement, 1972, relating to liquor; to provide for voting on the question of liquor by the drink at the time of a statewide primary or general election; to provide for checking of signatures on petitions; to provide procedures; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Barnett Burbach Carpenter C. Carsten F. Carstens
Cavanaugh Chambers DeCamp Duis Epke
Fellman Fowler Goodrich Hasebroock Johnson
Kelly Kennedy Keyes Kremer F. Lewis
R. Lewis Luedtke Maresh Marsh Marvel
Moylan Nore Proud Rasmussen Savage
Schmit Simpson Snyder Stahmer Stromer
Stull Syas Waldron Warner Whitney
Wiltse

Voting in the negative, 0.

Not voting, 8:

Anderson Clark Dickinson Kime Mahoney
Murphy Richendifer Skarda

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on LR 23 on final reading.

(Signed) Herbert J. Duis

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 558:

A BILL FOR AN ACT to amend sections 16-302.01 and 16-307, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the first class; to provide for election of officers on either a ward or an at-large basis; to change residence requirements as prescribed; to provide for filling of vacancies; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Barnett Burbach Carpenter C. Carsten F. Carstens
Chambers DeCamp Dickinson Duis Epke

Fellman Fowler Goodrich Hasebroock Johnson
Kelly Kennedy Keyes Kremer F. Lewis
Luedtke Maresh Marsh Marvel Moylan
Murphy Nore Proud Rasmussen Savage
Schmit Simpson Skarda Snyder Stahmer
Stromer Stull Syas Waldron Warner
Whitney Wiltse

Voting in the negative, 0.

Not voting, 7:

Anderson Cavanaugh Clark Kime R. Lewis
Mahoney Richendifer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 560.

A BILL FOR AN ACT to amend section 18-102, Reissue Revised Statutes of Nebraska, 1943, relating to cities and villages, all; to harmonize with previous legislation; to change poll books to list of voters book; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Barnett Burbach Carpenter C. Carsten F. Carstens
Chambers DeCamp Dickinson Duis Epke
Fellman Fowler Goodrich Hasebroock Johnson
Kelly Kennedy Keyes Kremer F. Lewis
Luedtke Maresh Marsh Marvel Moylan
Murphy Nore Proud Rasmussen Savage
Schmit Simpson Snyder Stahmer Stromer
Stull Syas Waldron Warner Whitney
Wiltse

Voting in the negative, 0.

Not voting, 8:

Anderson Cavanaugh Clark Kime R. Lewis
Mahoney Richendifer Skarda

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 561.

A BILL FOR AN ACT to amend sections 19-3001, 19-3005, 19-3030, 19-3031, 19-3033, 19-3034, 19-3037, 19-3040, and 19-3051, Reissue Revised Statutes of Nebraska, 1943, and section 19-3011, Revised Statutes Supplement, 1972, relating to cities and villages, particular classes; to change definitions in the municipal code; to change date of notice of elections; to eliminate poll books; to change requirements for qualified voters; to eliminate certain duties for counting boards; to provide for change in the returns of election; to change duties for canvassing boards; to provide when official ballots shall be available; and to repeal the original sections, and also sections 19-642, 19-3035, 19-3036, 19-3038, and 19-3039, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
DeCamp
Dickinson
Duis
Epke
Fellman
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kremer
F. Lewis
R. Lewis
Luedtke
Maresh
Marsh
Marvel
Moylan
Murphy
Nore
Proud
Rasmussen
Savage
Schmit
Simpson
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 8:

Anderson
Chambers
Clark
Fowler
Kime
Mahoney
Richendifer
Skarda

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Carpenter asked unanimous consent to read LB 149 on final reading. No objections. So ordered.

LEGISLATIVE BILL 149.

A BILL FOR AN ACT to amend section 85-106, Revised Statutes Supplement, 1972, as amended by section 2, Legislative Bill 248, Eighty-third Legislature, First Session, 1973, relating to the University of Nebraska; to provide the organizational structure of the university; to provide for additional officers; to establish an institute of agriculture and natural resources and provide for its organization and responsibilities; and to repeal the original section, and also section 72-702, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
DeCamp
Dickinson
Duis
Epke
Fellman
Goodrich
Hasebroock
Johnson
Kennedy
Keyes
Kremer
F. Lewis
R. Lewis
Mahoney
Maresh
Marvel
Murphy
Nore
Proud
Rasmussen
Richendifer
Savage
Schmit
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 3:

Barnett
Luedtke
Simpson

Not voting, 7:

Anderson
Clark
Fowler
Kelly
Kime
Marsh
Moylan

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 550.

A BILL FOR AN ACT to amend sections 10-702 and 10-703.01, Revised Statutes Supplement, 1972, relating to school district bond elections; to provide for submission at a special election or any statewide primary or general election; to provide procedures; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Barnett Burbach Carpenter C. Carsten F. Carstens
Chambers DeCamp Dickinson Duis Epke
Fowler Goodrich Hasebroock Johnson Kelly
Kennedy Keyes Kremer F. Lewis Luedtke
Maresh Marsh Marvel Moylan Murphy
Nore Proud Rasmussen Richendifer Savage
Schmit Simpson Snyder Stahmer Stromer
Stull Syas Warner Whitney Wiltse

Voting in the negative, 0.

Not voting, 9:

Anderson Cavanaugh Clark Fellman Kime
R. Lewis Mahoney Skarda Waldron

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 559.

A BILL FOR AN ACT to amend sections 17-103, 17-104, 17-203, 17-216, 17-217, 17-304, and 17-602, Reissue Revsied Statutes of Nebraska, 1943, and section 17-107, Revised Statutes Supplement, 1972, relating to cities of the second class and villages; to change qualifications of electors; to provide for filling of vacancies in certain offices; to provide for dissolution of villages by election; to amend section 70-624.04, Reissue Revised Statutes of Nebraska, 1943; to extend provisions to employees of public utility companies; and to repeal the original sections, and also section 17-109, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Barnett Burbach Carpenter C. Carsten F. Carstens
Chambers DeCamp Epke Fellman Fowler
Goodrich Hasebroock Johnson Kennedy Keyes
Kremer F. Lewis R. Lewis Luedtke Mahoney
Maresh Marsh Marvel Murphy Nore
Proud Rasmussen Schmit Simpson Skarda
Snyder Stahmer Stromer Stull Syas
Waldron Warner Whitney Wiltse

Voting in the negative, 0.

Not voting, 10:

Anderson Cavanaugh Clark Dickinson Duis
Kelly Kime Moylan Richendifer Savage

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 577.

A BILL FOR AN ACT relating to metropolitan utilities districts; to authorize such districts to construct public off-street parking facilities within designated civic centers in conjunction with the administrative headquarters of such districts; and to provide for financing.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Barnett Burbach Carpenter C. Carsten F. Carstens
Chambers DeCamp Duis Epke Fellman
Goodrich Hasebroock Johnson Kelly Kennedy
Keyes Kremer F. Lewis R. Lewis Mahoney
Maresh Marsh Marvel Nore Proud
Rasmussen Schmit Simpson Skarda Snyder
Stahmer Stromer Stull Syas Waldron
Warner Wiltse

Voting in the negative, 0.

Not voting, 12:

Anderson Cavanaugh Clark Dickinson Fowler
Kime Luedtke Moylan Murphy Richendifer
Savage Whitney

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 246.

A BILL FOR AN ACT to amend sections 84-201.01, 84-206, and 84-721, Reissue Revised Statutes of Nebraska, 1943, relating to salaries; to increase the salaries of certain constitutional officers; to provide a minimum salary; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Mr. Carpenter moved for a Call of the House. The motion prevailed with 30 ayes, 0 nays and 19 not voting.

The Call showed 46 members present.

Mr. Carpenter requested a roll call vote.

Voting in the affirmative, 26:

Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
Dickinson
Duis
Fellman
Fowler
Goodrich
Kremer
F. Lewis
Luedtke
Mahoney
Marsh
Marvel
Moylan
Rasmussen
Savage
Simpson
Skarda
Snyder
Syas
Waldron
Warner

Voting in the negative, 20:

Barnett
DeCamp
Epke
Hasebroock
Johnson
Kelly
Kennedy
Keyes
R. Lewis
Maresh
Murphy
Nore
Proud
Richendifer
Schmit
Stahmer
Stromer
Stull
Whitney
Wiltse

Not voting, 3:

Anderson
Clark
Kime

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. F. Lewis moved to raise the Call. The motion prevailed with 33 ayes, 0 nays and 16 not voting.

LEGISLATIVE BILL 544.

A BILL FOR AN ACT relating to the State Department of Education; to create a cash fund; to prescribe its name and purpose; to provide for deposit and disbursements; and to appropriate receipts to such fund.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Barnett Burbach Carpenter C. Carsten F. Carstens
Cavanaugh DeCamp Dickinson Duis Epke
Fellman Fowler Goodrich Hasebroock Johnson
Kelly Kennedy Keyes Kremer F. Lewis
R. Lewis Luedtke Mahoney Maresh Marsh
Marvel Moylan Murphy Nore Proud
Rasmussen Savage Schmit Simpson Skarda
Snyder Stahmer Stromer Stull Syas
Waldron Warner Whitney Wiltse

Voting in the negative, 0.

Not voting, 5:

Anderson Chambers Clark Kime Richendifer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 545. With Emergency.

A BILL FOR AN ACT to adopt the State of Nebraska Classification and Pay Plan as prescribed; to provide severability; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Barnett Burbach C. Carsten F. Carstens DeCamp
Dickinson Duis Epke Fellman Goodrich
Hasebroock Johnson Kelly Keyes Kremer
F. Lewis R. Lewis Mahoney Marsh Marvel
Moylan Murphy Nore Proud Rasmussen
Savage Schmit Simpson Skarda Snyder
Stahmer Stromer Stull Syas Waldron
Warner Whitney Wiltse

Voting in the negative, 0.

Not voting, 11:

Anderson Carpenter Cavanaugh Chambers Clark
Fowler Kennedy Kime Luedtke Maresh
Richendifer

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 549.

A BILL FOR AN ACT to amend section 5-108, Revised Statutes Supplement, 1972, relating to city, village, county, or school district elections; to provide for elections either at large or by district or ward; to provide procedures; to provide for violations; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Barnett Burbach C. Carsten F. Carstens Cavanaugh
DeCamp Dickinson Duis Epke Fellman
Fowler Goodrich Hasebroock Johnson Kelly
Kennedy Keyes Kremer F. Lewis R. Lewis
Luedtke Mahoney Maresh Marsh Marvel
Moylan Murphy Nore Proud Rasmussen
Richendifer Savage Simpson Skarda Snyder
Stahmer Stull Syas Warner Whitney
Wiltse

Voting in the negative, 0.

Not voting, 8:

Anderson Carpenter Chambers Clark Kime
Schmit Stromer Waldron

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 552, 553, 554, 555, 556, 558, 560 and 561.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following: LB 552, LB 553, LB 554, LB 555, LB 556, LB 558, LB 560 and LB 561.

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on LB 577 and LB 579 on final reading.

(Signed) Harold Moylan

ANNOUNCEMENT

Mr. Carpenter announced that the Executive Board would meet at 12:00 noon today for a short time.

MOTION—Return LB 587 to Select File

Mr. Kennedy moved to return LB 587 to Select File for the following specific amendment:

1. Strike sections 1 to 8 and insert the following:

"Section 1. For purposes of this act, unless the context otherwise requires:

(1) Supplier shall mean any person who produces, refines, manufactures, compounds, imports, or stores for use, sale, distribution or delivery in the State of Nebraska any energy source.

(2) Energy source shall mean gasoline, fuel oil, natural gas, propane, coal, special fuels, and electricity.

Sec. 2. The Legislature finds that Nebraska is now experiencing an emergency situation in the area of energy sources and that the next few months may be expected to pose threats of calamity to the economy of the state. In view of the fuel crisis and the realization that the loss of the independent dealer would drastically affect competition and normal market conditions in Nebraska, it is the declared policy of the Legislature that it is necessary to regulate and control the sale and distribution of energy sources within the state for the purpose of avoiding monopolistic advantages and unfair trade practices. Any supplier who within one year prior to the effective date of this act has sold or distributed any such energy sources within this state either wholly to independent firms or partly by sale to independent firms and partly by distribution through its own outlets or affiliated company or companies shall continue to offer such energy sources for sale to independent firms without price or terms discrimination except for actual differences in cost. If any fuel shortage requires any such person to restrict the sale and distribution thereof, the available supply shall be apportioned among the independent firms and its own outlets or affiliates in the same porportion during the period of shortage as such sales or distributions were made during the period when such restrictions were unnecessary. Any supplier shall keep in the state adequate records to establish whether or not any violation of this act occurs. Such records shall be available for inspection during regular business hours. This section shall be operative for a period of one year commencing with the effective date of this act.

Sec. 3. The bona fide refusal to sell to any person for the reason that payment for previous sales to such person has not been received within such time period as has been established by any contract or previous dealings between such supplier and person, shall not constitute a violation of this act.

Sec. 4. Any violation or threatened violation of this act may be enjoined in a suit by the administrator or by any person who has been damaged by such violation, in the district court of any county in this state in which such violation occurs or is threatened to occur or in the district court of any county in this state in which the supplier has an office or does business.

Sec. 5. If any supplier ceases to do business in this state as a means of avoiding compliance with the provisions of this act, such person shall not be permitted to conduct such business within this state for a period of fifteen years. This section shall not apply for the first five years that a person has commenced such business in the state.

Sec. 6. Any person damaged by any violation of this act may recover his damages together with all costs, including a reasonable attorney's fee.

Sec. 7. The Tax Commissioner shall require from each supplier any information pertaining to the supply and distribution of energy sources to be used within the state. The information shall be furnished within the times specified by the Tax Commissioner.

Sec. 8. For the six-month periods beginning on April 1 and October 1 of each year, each supplier shall file a statement which indicates any anticipated change in quantity of energy sources which he will supply for such six-month period. The statement shall be filed at least six months prior to the beginning of any reporting period. If at any time subsequent to filing the statement, the supplier receives any additional information affecting the accuracy of the statement, he shall amend the statement within fifteen days of receiving such information. Included in the statement shall be an explanation of the causes for the changes in the distribution patterns.

Sec. 9. Any supplier who fails to furnish the information required by this act shall be deemed guilty of a violation of this act and be fined five hundred dollars for each violation. Upon notice of a violation to the supplier, he shall be fined the sum of fifty dollars per day until such information is provided.

Sec. 10. All suppliers shall comply with the guidelines established for the distribution of energy by the federal government.

Sec. 11. The Tax Commissioner shall administer the provisions of this act and shall promulgate the necessary rules and regulations therefor.

Sec. 12. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration of invalidity shall not affect the validity of the remaining portions thereof.

Sec. 13. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

The motion prevailed with 27 ayes, 0 nays and 22 not voting.

SELECT FILE

LEGISLATIVE BILL 587. The Kennedy specific amendment found in this day's Journal was adopted with 29 ayes, 0 nays and 20 not voting.

Advanced to E & R for Re-engrossment.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 579. With Emergency.

A BILL FOR AN ACT making reappropriations for the period July 1, 1973 to June 30, 1974, for construction, repair, and improvement of state buildings as prescribed; to define terms; to cite limits and conditions on the expenditure of funds; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Barnett	Burbach	Carpenter	C. Carsten	F. Carstens
Cavanaugh	DeCamp	Dickinson	Duis	Epke
Fellman	Fowler	Goodrich	Hasebroock	Johnson
Kennedy	Keyes	Kremer	F. Lewis	R. Lewis
Luedtke	Maresh	Marsh	Marvel	Murphy
Nore	Proud	Rasmussen	Richendifer	Savage
Schmit	Simpson	Skarda	Snyder	Stahmer
Stull	Syas	Warner	Whitney	Wiltse

Voting in the negative, 0.

Not voting, 9:

Anderson	Chambers	Clark	Kelly	Kime
Mahoney	Moylan	Stromer	Waldron	

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MESSAGE FROM THE GOVERNOR

May 23, 1973

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bill No. 315.

This bill was signed by me on May 23, 1973 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on May 24, 1973, at 10:26 a.m.: LB 552, LB 553, LB 554, LB 555, LB 556, LB 558, LB 560, and LB 561.

(Signed) Emory Burnett, E & R Attorney

UNANIMOUS CONSENT—Members Excused

Mr. F. Lewis asked unanimous consent to be excused this afternoon. No objections. So ordered.

Mr. Skarda asked unanimous consent to be excused at 3:00 p.m. No objections. So ordered.

RECESS

At 11:53 a.m., on a motion by Mr. Syas, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:31 p.m., President Marsh presiding.

The roll was called and all members were present except Messrs. Anderson, Clark, Kime, F. Lewis and Mahoney who were excused.

LETTER FROM THE SECRETARY OF STATE

May 24, 1973

Honorable Speaker and Members of the Legislature
Eighty-third Legislature, First Session
Nebraska Unicameral Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Speaker and Members assembled:

Please be advised that Legislative Bill 286 has become law without the signature of the Governor.

Attached is my certification that L. B. 286 remained with the Governor five days, Sunday excepted, and that the Governor failed to veto the bill and failed to sign the bill. Said bill has become law under the provisions as set forth in the Constitution.

Respectfully submitted,

(Signed) ALLEN J. BEERMANN
Secretary of State

Enclosure

CERTIFICATE

This bill having remained with the Governor five days, Sunday excepted, the Legislature being in session, the Governor having failed to sign said bill, the Governor having failed to return this bill to the Legislature during its session, it has thereby become a law.

Witness my hand this twenty-fourth day of May, 1973, A. D.

(Signed) ALLEN J. BEERMANN
SECRETARY OF STATE

(SEAL)

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following resolution was correctly enrolled: 23; the following bills were correctly enrolled: 149, 550, 559, 577, 246, 544, 545, 549 and 579.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following: LR 23, LB 149, LB 550, LB 559, LB 577, LB 246, LB 544, LB 545, LB 549 and LB 579.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 530. Replaced on Select File as amended.
E & R amendments to LB 530:

1. Pursuant to the Carpenter amendment to section 77-202.03, insert a new section to read:

"Section 1. That section 77-202.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-202.03. (1) When real or tangible personal property, including motor vehicles, has been exempted from taxation as provided by sections 77-202.01 to 77-202.07, it shall continue to be exempt for a period of four years from January 1 of the year following adoption of sections 77-202.01 to 77-202.07; Provided, that each owner of real or tangible personal property, including motor vehicles, so exempt shall file an affidavit with the county assessor by January 1 of each intervening year certifying that the use of each exempted real or tangible personal property, including motor vehicles, has not changed during the year. On or before the expiration of such exemption, a new application shall be filed on which the procedure shall be the same as provided for other applications under the provisions of sections 77-202.01 to 77-202.07. If any person, corporation, or organization shall seek tax exemption for any real or tangible personal property, including motor vehicles, in any intervening year, he or it shall apply on or before September 1 of any such intervening year as provided in section 77-202.01 and procedure thereon shall be the same as provided for other applications under the provisions of sections 77-202.01 to 77-202.07, except that for the intervening year the exempt use shall be determined as of the date of levy, and the exemption shall continue for the same period and under the same conditions as if it had been granted on an application which had been filed before January 1, 1964, if such application is filed before January 1, 1968, or as if it had been granted on an application which had been filed in accordance with the second sentence of this section, on or before the expiration of an exemption previously granted, if such application is filed on or after January 1, 1968.

(2) During the month of September of each year, the county board shall cause to be published in a paper of general circulation in the county a list of all real estate in the county exempt from taxation in that year pursuant to sections 77-202 to 77-202.07, except real estate owned by the state or its governmental subdivisions. Such list shall be grouped into categories as provided by the Tax Commissioner, which categories shall identify the type of ownership and such list shall identify the organization, the municipality, if any, in which the property is located, and the number of parcels of real estate exempted.".

2. Renumber original sections 1 to 4 as sections 2 to 5, new section 5 as section 6, and original sections 6 and 7 as sections 7 and 8.

3. On page 3, line 22, strike "section 1" and insert "section 2"; and in line 27 as amended, strike "section 2" and insert "section 3".

4. On page 5, line 9 as amended, insert "section 77-202.03, Reissue Revised Statutes of Nebraska, 1943, and" after "original"; and in line 11 as amended, strike "is" and insert "are".

5. In the title, line 2, insert "to amend section 77-202.03, Reissue Revised Statutes of Nebraska, 1943, and section 77-1301.07, Revised Statutes Supplement, 1972," after "ACT" and after the semicolon insert "to require annual publication of a list of tax-exempt real property;"; strike lines 4 to 6 and through the semicolon in line 7 and insert "reappraisals; to provide for appeals;"; and in line 8 as amended, strike "section" and insert "sections".

LEGISLATIVE BILL 114. Replaced on Select File as amended.
E & R amendments to LB 114:

1. Renumber present sections 1 to 10 as sections 2 to 11.

2. In new section 1, line 2, insert ", as amended by section 1, Legislative Bill 530, Eighty-third Legislature, First Session, 1973" after "1943"; in line 3, insert "(1)"

before "When"; in line 31, strike "such" and insert "which" and strike "per" and insert "on"; and after line 32 insert:

"(2) During the month of September of each year, the county board shall cause to be published in a paper of general circulation in the county a list of all real estate in the county exempt from taxation in that year pursuant to sections 77-202 to 77-202.07, except real estate owned by the state or its governmental subdivisions. Such list shall be grouped into categories as provided by the Tax Commissioner, which categories shall identify the type of ownership and such list shall identify the organization, the municipality, if any, in which the property is located, and the number of parcels of real estate exempted.".

3. In the Carpenter amendment adopted 5/23/73, strike lines 1 to 3 and insert "In standing committee amendments, strike beginning with page 1, line 24 through the period on page 2, line 4, showing old matter as stricken and insert:"; in line 4, strike "(4) In 1973, the first"; and in line 6, strike the second comma.

4. Strike the Warner amendments 2 and 3 adopted 5/23.

5. On page 3, line 6, insert ", and section 77-202.03, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 530, Eighty-third Legislature, First Session, 1973" after "1972".

6. In the title, line 3, insert ", and section 77-202.03, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 530, Eighty-third Legislature, First Session, 1973" after "1972"; in line 5 insert "; to provide for review of exemptions; to eliminate a requirement for annual claims of exemption;" after "reference".

LEGISLATIVE BILL 529. Replaced on Select File as amended. E & R amendments to LB 529:

1. In new section 7, strike the comma in lines 14, 21, 23, 26, 27, 43, and 45; in line 17, strike "and"; and in line 18, strike "will".

2. In lieu of the Warner amendment 2, on page 58, line 19 as amended, strike "and 77-2711" and insert "77-2711, and 77-2715.01".

3. In the title, line 3 as amended, strike "and 77-2711" and insert "77-2711, and 77-2715.01"; in line 6, strike "sales and use taxes" and insert "taxation"; and in line 12, insert "to change the formula for setting of tax rates;" after the semicolon.

LEGISLATIVE BILL 587. Replaced on Select File as amended.
E & R amendments to LB 587:

1. In section 1, line 5, strike the period and insert "; and".
2. In section 3, line 4, strike the comma.
3. In section 4, line 2, strike "administrator" and insert "Tax Commissioner" and in line 3, strike the comma.
4. In section 8, insert "with the Tax Commissioner" at the end of line 2; and in line 6, insert a comma after "If".
5. In section 9, line 2, strike "deemed"; and in line 5, strike "such" and insert "the required".
6. In the title, strike lines 2 to 7 and insert:

"FOR AN ACT relating to suppliers of energy; to define terms; to regulate and control the sale and distribution of energy sources as prescribed; to provide for enforcement and administration; to provide penalties; to provide severability; and to declare an emergency.".

LEGISLATIVE BILL 378. Replaced on Select File as amended.
E & R amendments to LB 378:

1. In the new matter in the Schmit amendment found on pages 1855-56 in the Journal, line 3, strike the first comma and insert "any" after the second "or"; in lines 8 and 9, strike "from the display case or refrigerated cabinet; Provided,"; and insert ", except"; in line 13, strike "providing" and insert "if (a)"; in line 18, strike "provided further that" and insert "(b)"; in line 21, strike "be" and insert "is"; strike all quotation marks; and in line 24, strike "that" and strike "contain" and insert "contains".
2. In the title, as amended, strike line 6 and insert "certain foods containing binders, blenders, or extenders; and to repeal.

(Signed) John J. Cavanaugh, Chairman

UNANIMOUS CONSENT—Change of Order

Mr. Stull asked unanimous consent to consider the Select File bills at this time. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 530. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 114. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 529. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 587. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Re-engrossment.

LEGISLATIVE BILL 378. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Re-engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly re-engrossed: 111, 365, 378 and 587; the following bills were correctly engrossed: 10, 114, 529 and 530.

(Signed) John J. Cavanaugh, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on May 24, 1973, at 1:45 p.m.: LR 23, LB 149, LB 550, LB 559, LB 577, LB 246, LB 544, LB 545, LB 549 and LB 579.

(Signed) Barbara Jackson, Enrolling Clerk

MOTION—Return LB 526 to Select File

Mr. Duis moved to return LB 526 to Select File for the following specific amendment:

1. Amend page 10 line 9 by striking "including" and inserting "~~including~~ excluding".

The motion prevailed with 25 ayes, 7 nays and 17 not voting.

SELECT FILE

LEGISLATIVE BILL 526. Mr. Duis renewed his specific amendment found in this day's Journal.

Mr. Rasmussen moved the previous question. The question is, "Shall the debate now cease?" The motion prevailed with 26 ayes, 5 nays and 18 not voting.

Mr. Simpson requested of the Chair as to if the Duis amendment is a reconsideration of his amendment of yesterday. The Chair ruled Mr. Simpson was out of time with the question.

The Duis specific amendment found in this day's Journal lost with 20 ayes, 15 nays and 14 not voting.

LB 526 was returned to final reading with 29 ayes, 3 nays and 17 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 134.

A BILL FOR AN ACT to amend sections 84-902, 84-905, and 84-906, Reissue Revised Statutes of Nebraska, 1943, and section 84-904, Revised Statutes Supplement, 1972, relating to administrative procedure; to provide for the establishment of the office and position of Revisor of Regulations; to provide for the form, indexing, and filing of rules and regulations; to provide for review; to provide when no rule shall be effective or valid; to provide duties; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Barnett	Burbach	Carpenter	C. Carsten	F. Carstens
Cavanaugh	DeCamp	Dickinson	Duis	Epke
Fellman	Fowler	Goodrich	Hasebroock	Johnson
Kelly	Kennedy	Kremer	R. Lewis	Luedtke
Maresh	Marsh	Marvel	Moylan	Murphy
Proud	Rasmussen	Richendifer	Savage	Simpson
Skarda	Snyder	Stromer	Syas	Waldron
Warner	Wiltse			

Voting in the negative, 1:

Nore

Not voting, 11:

Anderson
Chambers
Clark
Keyes
Kime
F. Lewis
Mahoney
Schmit
Stahmer
Stull
Whitney

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 236.

A BILL FOR AN ACT to amend section 81-1316, Reissue Revised Statutes of Nebraska, 1943, relating to the state personnel system; to provide additional exemptions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
DeCamp
Dickinson
Epke
Fellman
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kremer
R. Lewis
Luedtke
Maresh
Marsh
Moylan
Murphy
Nore
Proud
Rasmussen
Richendifer
Savage
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 1:

Simpson

Not voting, 11:

Anderson
Barnett
Chambers
Clark
Duis
Fowler
Kime
F. Lewis
Mahoney
Marvel
Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 261.

A BILL FOR AN ACT to amend section 28-4,125, Revised Statutes Supplement, 1972, relating to controlled substances; to provide increasingly severe sentences for specified second and third convictions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Dickinson	Duis	Epke	Fellman
Goodrich	Hasebroock	Johnson	Kennedy	Keyes
Kremer	R. Lewis	Luedtke	Maresh	Marsh
Marvel	Moylan	Murphy	Nore	Proud
Rasmussen	Richendifer	Savage	Schmit	Simpson
Skarda	Snyder	Stahmer	Stromer	Stull
Syas	Waldron	Warner	Whitney	Wiltse

Voting in the negative, 3:

Cavanaugh	DeCamp	Kelly

Not voting, 6:

Chambers	Clark	Fowler	Kime	F. Lewis
Mahoney				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 400. With Emergency.

A BILL FOR AN ACT to amend section 54-134, Revised Statutes Supplement, 1972, relating to the brand inspection area; to remove territory from the area; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Anderson Burbach Carpenter C. Carsten F. Carstens
Cavanaugh DeCamp Dickinson Fellman Fowler
Goodrich Hasebroock Johnson Kelly Kennedy
Keyes Kremer Luedtke Maresh Marsh
Marvel Moylan Murphy Proud Richendifer
Savage Schmit Simpson Skarda Snyder
Stahmer Stromer Stull Syas Waldron
Warner Whitney Wiltse

Voting in the negative, 2:

Nore Rasmussen

Not voting, 9:

Barnett Chambers Clark Duis Epke
Kime F. Lewis R. Lewis Mahoney

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 505. With Emergency.

A BILL FOR AN ACT to appropriate two million three hundred twenty thousand nine hundred thirty dollars from the state General Fund for the period ending June 30, 1973 to the Department of Environmental Control, Agency No. 84 for Program 518, Waste Water Treatment Facilities, to provide the state's share of participation in the Federal Water Pollution Control Act, Public Law 660, as amended; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Anderson Barnett Burbach Carpenter C. Carsten
F. Carstens DeCamp Dickinson Duis Epke
Fellman Fowler Goodrich Hasebroock Johnson
Kelly Kennedy Keyes Kremer Luedtke
Maresh Marsh Marvel Moylan Murphy
Nore Proud Rasmussen Richendifer Savage
Schmit Simpson Skarda Snyder Stahmer
Stromer Stull Syas Waldron Warner
Whitney Wiltse

Voting in the negative, 0.

Not voting, 7:

Cavanaugh Chambers Clark Kime F. Lewis
R. Lewis Mahoney

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Mr. Burbach asked unanimous consent to read LB 534 on Final Reading.

Mr. Simpson objected.

Mr. Burbach moved to read LB 534 on Final Reading. The motion prevailed with 26 ayes, 3 nays and 20 not voting.

LEGISLATIVE BILL 534.

A BILL FOR AN ACT to amend sections 77-1226.01 and 77-1226.02, Reissue Revised Statutes of Nebraska, 1943, relating to taxation; to provide exemption from taxation of goods stored in transit or for shipment in bonded and licensed storage areas as prescribed; to increase penalties; to provide when there shall be no penalty or interest on unpaid taxes; to provide severability; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Anderson Burbach Carpenter C. Carsten F. Carstens
DeCamp Dickinson Duis Epke Fellman
Fowler Goodrich Hasebroock Johnson Kelly
Kennedy Keyes Kremer R. Lewis Marsh
Moylan Murphy Nore Proud Richendifer
Savage Schmit Skarda Snyder Stahmer
Stromer Stull Syas Waldron Wiltse

Voting in the negative, 6:

Barnett Cavanaugh Luedtke Simpson Warner
Whitney

Not voting, 8:

Chambers Clark Kime F. Lewis Mahoney
Maresh Marvel Rasmussen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 586.

A BILL FOR AN ACT to amend section 79-1455, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide the State Board of Education with discretionary powers; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
DeCamp
Duis
Epke
Fellman
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kremer
R. Lewis
Luedtke
Maresh
Marsh
Marvel
Moylan
Murphy
Nore
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 8:

Chambers
Clark
Dickinson
Fowler
Kime
F. Lewis
Mahoney
Skarda

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 589. With Emergency.

A BILL FOR AN ACT to amend section 71-193.04, Reissue Revised Statutes of Nebraska, 1943, relating to public health; to set the age qualification for dental hygiene practice at eighteen; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	DeCamp	Duis	Epke
Fellman	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kremer	R. Lewis	Luedtke
Maresh	Marsh	Marvel	Moylan	Murphy
Nore	Proud	Rasmussen	Richendifer	Schmit
Simpson	Snyder	Stahmer	Stromer	Stull
Syas	Waldron	Warner	Whitney	Wiltse

Voting in the negative, 0.

Not voting, 9:

Chambers	Clark	Dickinson	Fowler	Kime
F. Lewis	Mahoney	Savage	Skarda	

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

UNANIMOUS CONSENT–Members Excused

Messrs. Duis and Marvel asked unanimous consent to be excused for the remainder of the afternoon. No objections. So ordered.

MOTION–Final Reading

Mr. Waldron moved to read LB 110 and LB 110A on final reading.

Mrs. Marsh moved to amend the motion to include LB 306 and LB 306A. The amendment failed with 19 ayes, 11 nays and 19 not voting.

The Waldron motion prevailed with 31 ayes, 0 nays and 18 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 110. With Emergency.

A BILL FOR AN ACT to amend sections 24-802, 24-803, 24-806, 24-807, 24-809, 24-810, 24-811, and 48-152.01, Reissue Revised Statutes of Nebraska, 1943, relating to judicial nominating commissions; to provide for selection of new members of judicial nominating commissions as prescribed; to terminate present judicial nominating commissions; to provide political qualifications of members of judicial nominating commissions; to provide term of office; to provide the number of nominees; to provide for rules; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
Dickinson
Epke
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kremer
R. Lewis
Luedtke
Maresh
Marsh
Moylan
Murphy
Nore
Proud
Rasmussen
Richendifer
Savage
Schmit
Simpson
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 8:

Clark
DeCamp
Duis
Kime
F. Lewis
Mahoney
Marvel
Skarda

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 110A. With Emergency.

A BILL FOR AN ACT to appropriate thirteen thousand three hundred seventy-three dollars from the state General Fund for the period ending June 30, 1974 to the Supreme Court, Agency No. 05 for Program 391, to aid in carrying out the provisions of Legislative Bill 110, Eighty-third Legislature, First Session, 1973; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 34:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
Dickinson
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kelly

Kremer Luedtke Maresh Marsh Moylan
Murphy Nore Proud Richendifer Savage
Schmit Simpson Snyder Stahmer Stull
Syas Waldron Warner Wiltse

Voting in the negative, 6:

Epke Keyes R. Lewis Rasmussen Stromer
Whitney

Not voting, 9:

Clark DeCamp Duis Kennedy Kime
F. Lewis Mahoney Marvel Skarda

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 134, 236, 261, 400, 505, 534, 586, 589, 110 and 110A.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following bills: 134, 236, 261, 400, 505, 534, 586, 589, 110 and 110A.

UNANIMOUS CONSENT—Approve Governor Appointments

Mr. Whitney asked unanimous consent to approve the following Governor appointments, found in the Journal on pages 1851 and 1852 for the Eighty-seventh Day, in one record vote. No objections. So ordered.

Ronald Woodward, Advisory Committee to Dept. of Economic Development
William Dobler, State Commission for Higher Educational Aid
William C. Peters, Personnel Director, Code of Ethics Board
Francis Hanna, Motor Vehicle Industry Licensing Board

Voting in the affirmative, 32:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
DeCamp	Dickinson	Epke	Fellman	Hasebroock
Johnson	Kelly	Keyes	Kremer	R. Lewis
Luedtke	Maresh	Marsh	Moylan	Murphy
Nore	Proud	Rasmussen	Richendifer	Savage
Snyder	Stromer	Stull	Syas	Warner
Whitney	Wiltse			

Voting in the negative, 0.

Not voting, 17:

F. Carstens	Cavanaugh	Chambers	Clark	Duis
Fowler	Goodrich	Kennedy	Kime	F. Lewis
Mahoney	Marvel	Schmit	Simpson	Skarda
Stahmer	Waldron			

The appointments were confirmed with 32 ayes, 0 nays and 17 not voting.

VISITORS

The following guests were introduced: 28 2nd thru 6th grade students and teachers from Hansen District 67, Hansen; 110 8th grade students, 6 sponsors and teachers from Holy Cross School, Omaha.

ADJOURNMENT

At 3:13 p.m., on a motion by Mr. Syas, the Legislature adjourned until 9:00 a.m., Friday, May 25, 1973.

Vincent D. Brown
Clerk of the Legislature

EIGHTY-NINTH DAY—MAY 25, 1973

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

EIGHTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, May 25, 1973

Pursuant to adjournment the Legislature met at 9:02 a.m., President Marsh presiding.

PRAYER

The prayer was offered by the Chaplain.

> As we approach the final duties of another week in this House, we offer thanks for whatever use You have been able to make of us in making progress here, and ask forgiveness if we have been party to any unnecessary delay.
>
> We have sought Your Presence as a member of our family each time we have assembled here in this House; so now we ask that Your Presence will be felt in the midst of the families and homes to which we shall return before this day ends.
>
> May the spiritual uplift of the Memorial Sunday weekend be a source of continuing inspiration to each one of us, to our loved ones, and to all whom we represent. We ask it in His name who loved us, and gave Himself for us. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Kime, Clark and Proud who were excused.

CORRECTIONS FOR THE JOURNAL

Page 1863, line 2, delete "Re-".
Page 1888, lines 10 and 13, insert "Re-" before "Engrossment".
The Journal for the Eighty-eighth Day was approved as corrected.

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on May 24, 1973 at 3:20 p.m. were the following: LB 261, LB 134, LB 236, LB 400, LB 505, LB 534, LB 586, LB 589, LB 110 and LB 110A.

(Signed) Barbara Jackson, Enrolling Clerk

UNANIMOUS CONSENT—Change of Order

Mr. Carpenter asked unanimous consent to revert to General File to consider LB 111A. No objections. So ordered.

Mr. Marvel asked unanimous consent to consider LB 583A on General File. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 111A. Mr. Carpenter moved to indefinitely postpone LB 111A. The motion prevailed with 27 ayes, 0 nays and 22 not voting.

LEGISLATIVE BILL 583A. Mr. Marvel moved to indefinitely postpone LB 583A. The motion prevailed with 29 ayes, 0 nays and 20 not voting.

MOTION—Suspend Rules

Mr. Carpenter moved to suspend the Rules to consider the Final Reading bills set for June 1. The motion prevailed with 34 ayes, 0 nays and 15 not voting.

UNANIMOUS CONSENT—Member Excused

Mr. Waldron asked unanimous consent to be excused Friday, June 1. No objections. So ordered.

APPRECIATION

Mr. Dickinson thanked Mr. Mahoney, on behalf of the body, for the party last evening.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 87.

A BILL FOR AN ACT to amend sections 39-846 and 39-847, Reissue Revised Statutes of Nebraska, 1943, relating to bridges; to establish a program of state aid in the replacement of county bridges as prescribed; to delete obsolete matter; and to repeal the original sections, and also section 39-853, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
DeCamp
Dickinson
Duis
Epke
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kremer
F. Lewis
R. Lewis
Luedtke
Maresh
Marsh
Marvel
Moylan
Murphy
Nore
Rasmussen
Richendifer
Savage
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Wiltse

Voting in the negative, 0.

Not voting, 6:

Clark
Kime
Mahoney
Proud
Schmit
Whitney

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 172. With Emergency.

A BILL FOR AN ACT relating to appropriations; to make appropriations from the Revenue Sharing Trust Fund to the School Foundation and Equalization Fund and the State Department of Education; to provide for the distribution of funds; to limit budget increases; to provide standards; to provide for budget increases; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Anderson Barnett Burbach Carpenter C. Carsten
Cavanaugh Chambers DeCamp Dickinson Duis
Epke Fellman Fowler Goodrich Hasebroock
Johnson Kelly Keyes Kremer F. Lewis
R. Lewis Luedtke Maresh Marsh Marvel
Moylan Murphy Nore Rasmussen Richendifer
Simpson Skarda Snyder Stahmer Stromer
Stull Waldron Warner

Voting in the negative, 4:

F. Carstens Savage Syas Whitney

Not voting, 7:

Clark Kennedy Kime Mahoney Proud
Schmit Wiltse

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 187.

A BILL FOR AN ACT relating to real property; to establish a uniform procedure to be used in acquiring private property for public purposes; to amend section 70-301, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Anderson Barnett Burbach Carpenter C. Carsten
F. Carstens Cavanaugh Chambers DeCamp Dickinson
Duis Epke Fellman Goodrich Hasebroock
Johnson Kelly Kennedy Keyes Kremer
R. Lewis Luedtke Mahoney Maresh Marsh
Marvel Moylan Murphy Nore Rasmussen
Savage Schmit Simpson Skarda Snyder
Stahmer Stromer Stull Syas Waldron
Warner Whitney Wiltse

Voting in the negative, 0.

Not voting, 6:

Clark Fowler Kime F. Lewis Proud
Richendifer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 256. With Emergency.

A BILL FOR AN ACT making appropriations and reappropriations for capital construction and improvements and land acquisition; to provide conditions; to provide for lapsing; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Barnett Burbach Carpenter C. Carsten F. Carstens
Cavanaugh Chambers DeCamp Duis Epke
Fellman Fowler Goodrich Hasebroock Kelly
Kennedy Keyes Kremer F. Lewis R. Lewis
Luedtke Mahoney Marsh Marvel Moylan
Murphy Nore Rasmussen Richendifer Savage
Schmit Simpson Skarda Snyder Stahmer
Stull Syas Waldron Warner Wiltse

Voting in the negative, 6:

Anderson Dickinson Johnson Maresh Stromer
Whitney

Not voting, 3:

Clark Kime Proud

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 267.

A BILL FOR AN ACT relating to elections; to adopt a corrupt practices act; to provide penalties; and to repeal Chapter 32, article 11, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Anderson Barnett C. Carsten F. Carstens Cavanaugh
DeCamp Dickinson Duis Fellman Fowler
Goodrich Hasebroock Johnson Kelly Kremer
F. Lewis R. Lewis Luedtke Mahoney Maresh
Marsh Marvel Moylan Rasmussen Richendifer
Savage Schmit Simpson Skarda Stahmer
Stull Waldron Warner Wiltse

Voting in the negative, 3:

Nore Snyder Whitney

Not voting, 12:

Burbach Carpenter Chambers Clark Epke
Kennedy Keyes Kime Murphy Proud
Stromer Syas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT— Member Excused

Mr. Stromer asked unanimous consent to be excused for about one hour. No objections. So ordered.

MESSAGE FROM THE GOVERNOR

May 25, 1973

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

I return herewith LB 246 without my signature and with my objections.

While some upward adjustment in salaries for some constitutional officers would be in order, it appears that a 66% jump in the salary of the

State Treasurer from $15,000 to $25,000, a 56% increase in the salary of the State Auditor and Secretary of State from $16,000 to $25,000, and 33% increase for the Attorney General from $24,000 to $32,500, are excessive.

Such salary increases for constitutional officers would place Nebraska considerably above both the national averages for such positions and far above the similar positions in our neighboring states. When we are attempting to fight inflationary pressures, the state should set a reasonably example.

It is well known that this bill was originally envisioned to raise the Governor's compensation 40% from $25,000 to $35,000, and when my objections were made known, the Governor's portion was eliminated. This has not changed my objections to such large increases.

We should be ever mindful that such substantial increases to only a few constitutional officers is not the only point. When such jumps occur, the assistants to such officials traditionally also receive large increases, and a chain reaction sets in. Therefore, I consider this action by the majority of the Legislature less than prudent.

It is my hope that this matter can be put over to the next session when more reasonable increases can be explored and possibly enacted.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:fw

MOTION—Override Veto on LB 246

Mr. Carpenter moved to pass LB 246 notwithstanding the objections of the Governor.

The question is, "Shall the bill pass notwithstanding the objections of the Governor?"

Mr. F. Carstens moved the previous question. The question is, "Shall the debate now cease?" The motion prevailed with 30 ayes, 1 nay and 18 not voting.

Voting in the affirmative, 30:

Anderson Barnett Burbach Carpenter C. Carsten
F. Carstens Cavanaugh Chambers Dickinson Duis
Fellman Fowler Keyes Kremer F. Lewis
Luedtke Mahoney Marsh Marvel Murphy
Rasmussen Savage Schmit Simpson Skarda
Snyder Stahmer Syas Waldron Warner

Voting in the negative, 13:

DeCamp
Epke
Goodrich
Hasebroock
Kelly
Kennedy
R. Lewis
Maresh
Moylan
Nore
Stull
Whitney
Wiltse

Not voting, 6:

Clark
Johnson
Kime
Proud
Richendifer
Stromer

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

UNANIMOUS CONSENT—Members Excused

Messrs. Duis, Johnson and Barnett asked unanimous consent to be excused from 11:30 a.m. until 2:00 p.m.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 275.

A BILL FOR AN ACT to amend section 85-107, Revised Statutes Supplement, 1972, relating to the University of Nebraska; to provide for colleges and an institute; to provide for graduate degrees in journalism; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
Duis
Epke
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Keyes
Kremer
F. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Nore
Richendifer
Savage
Schmit
Simpson
Skarda
Snyder
Stahmer
Stull
Syas
Waldron
Warner
Whitney

Voting in the negative, 0.

Not voting, 12:

Clark
DeCamp
Dickinson
Kelly
Kennedy
Kime
R. Lewis
Murphy
Proud
Rasmussen
Stromer
Wiltse

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 387. With Emergency.

A BILL FOR AN ACT relating to corporations; to define terms; to authorize any private or public corporation to apply for a grant for the establishment, operation and maintenance of foreign trade zones and foreign trade subzones; to authorize such corporation to select a location of such zones and to make rules and regulations concerning operation and maintenance thereof; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Anderson
Barnett
Burbach
C. Carsten
F. Carstens
Cavanaugh
Duis
Epke
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Moylan
Murphy
Nore
Savage
Schmit
Simpson
Skarda
Snyder
Stahmer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 11:

Carpenter
Chambers
Clark
DeCamp
Dickinson
Kime
Marvel
Proud
Rasmussen
Richendifer
Stromer

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 403.

A BILL FOR AN ACT to amend sections 43-627, 79-202, and 79-444, Reissue Revised Statutes of Nebraska, 1943, and sections 43-604, 43-609, 43-620, 43-625, and 43-626, Revised Statutes Supplement, 1972, relating to the care and education of handicapped children; to provide special education programs; to fund such programs; to define terms; to provide an operative date; to repeal the original sections, and also section 43-610, Reissue Revised Statutes of Nebraska, 1943, sections 43-605, 43-612, 43-613, 43-615, 43-615.01, and 43-628, Revised Statutes Supplement, 1972, and section 43-613.01, Revised Statutes Supplement, 1972, as amended by section 1, Legislative Bill 336, Eighty-third Legislature, First Session, 1973, and section 43-614, Revised Statutes Supplement, 1972, as amended by section 2, Legislative Bill 336, Eighty-third Legislature, First Session, 1973.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Anderson	Barnett	Carpenter	C. Carsten	Cavanaugh
DeCamp	Dickinson	Duis	Epke	Fellman
Fowler	Goodrich	Hasebroock	Johnson	Kelly
Kennedy	Keyes	Kremer	F. Lewis	Luedtke
Mahoney	Maresh	Marsh	Moylan	Murphy
Nore	Rasmussen	Richendifer	Savage	Schmit
Simpson	Skarda	Snyder	Stahmer	Stromer
Stull	Syas	Waldron	Warner	Whitney

Voting in the negative, 0.

Not voting, 9:

Burbach	F. Carstens	Chambers	Clark	Kime
R. Lewis	Marvel	Proud	Wiltse	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 423.

A BILL FOR AN ACT to amend section 85-320, Reissue Revised Statutes of Nebraska, 1943, section 85-304, Reissue Revised Statues of Nebraska, 1943, as amended by section 3, Legislative Bill 248, Eighty-third Legislature, First Session, 1973, and section 85-106, Revised Statutes Supplement, 1972, as amended by section 2, Legislative Bill 149, Eighty-third Legislature, First Session, 1973, relating to higher education; to provide for the investment of retirement funds; to provide for insurance benefits; to permit a retirement system for employees of the State Board of Technical Community Colleges or of any area board; to repeal the original sections, and also section 79-1624, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
DeCamp
Dickinson
Duis
Epke
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kremer
F. Lewis
R. Lewis
Luedtke
Maresh
Marsh
Moylan
Murphy
Nore
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 7:

Anderson
Chambers
Clark
Kime
Mahoney
Marvel
Proud

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 472.

A BILL FOR AN ACT to adopt the Public School Support Act of 1973; to amend section 79-4,102, Reissue Revised Statutes of Nebraska, 1943; to change the basis for determining the nonresident high school tuition rate; to repeal sections 79-1330 to 79-1340 and 79-1342 to 79-1344.01, Reissue Revised Statutes of Nebraska, 1943, and section 79-1333.01, Revised Statutes Supplement, 1972; to provide when such repeal shall become operative; to provide severability; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Anderson
Barnett
Burbach
Carpenter
C. Carsten

F. Carstens Dickinson Duis Epke Fellman
Fowler Goodrich Hasebroock Johnson Kelly
Keyes Kremer F. Lewis R. Lewis Luedtke
Mahoney Marsh Marvel Murphy Nore
Rasmussen Richendifer Schmit Simpson Skarda
Stromer Stull Waldron Warner Wiltse

Voting in the negative, 8:

Cavanaugh Kennedy Maresh Moylan Savage
Snyder Syas Whitney

Not voting, 6:

Chambers Clark DeCamp Kime Proud
Stahmer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 485.

A BILL FOR AN ACT to amend section 50-404, Reissue Revised Statutes of Nebraska, 1943, sections 50-111 and 50-401.01, Revised Statutes Supplement, 1972, and section 50-112, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 82, Eighty-third Legislature, First Session, 1973, relating to the Legislature; to change provisions relating to officers and employees of the Legislature as prescribed; to provide powers and duties of the Executive Board; to provide immunity; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Anderson Burbach Carpenter C. Carsten F. Carstens
Cavanaugh DeCamp Dickinson Epke Fellman
Fowler Goodrich Hasebroock Kelly Kennedy
Keyes Kremer F. Lewis Luedtke Maresh
Marsh Marvel Moylan Murphy Nore
Rasmussen Richendifer Savage Schmit Simpson
Skarda Snyder Stahmer Stromer Stull
Syas Waldron Warner Whitney Wiltse

Voting in the negative, 0.

Not voting, 9:

Barnett	Chambers	Clark	Duis	Johnson
Kime	R. Lewis	Mahoney	Proud	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 524. With Emergency.

A BILL FOR AN ACT to amend sections 83-189, 83, 190, 83-191, and 83-1,119, Reissue Revised Statutes of Nebraska, 1943, and sections 83-1,111 and 83-1,120, Revised Statutes Supplement, 1972, relating to the Board of Parole; to increase the size of the Board of Parole as prescribed; to provide which of the members shall be full-time members; to provide when appointments to the board shall be made; to provide the terms for the members; to change parole procedures; to provide procedures; to provide the right to counsel; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Burbach	Carpenter	C. Carsten	F. Carstens	Cavanaugh
Dickinson	Epke	Fellman	Fowler	Goodrich
Hasebroock	Kelly	Kennedy	Kremer	F. Lewis
R. Lewis	Luedtke	Maresh	Marsh	Marvel
Moylan	Murphy	Nore	Rasmussen	Richendifer
Savage	Schmit	Simpson	Skarda	Snyder
Stahmer	Stromer	Stull	Syas	Waldron
Warner	Whitney	Wiltse		

Voting in the negative, 0.

Not voting, 11:

Anderson	Barnett	Chambers	Clark	DeCamp
Duis	Johnson	Keyes	Kime	Mahoney
Proud				

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

UNANIMOUS CONSENT—Members Excused

Messrs. F. Carstens and Snyder asked unanimous consent to be excused this afternoon. No objections. So ordered.

Mr. Duis asked unanimous consent to be excused the remainder of the day. No objections. So ordered.

EXPLANATION OF VOTES

Had I been present, I would have voted "Aye" on LB 472 on final reading.

(Signed) John W. DeCamp

Had I been present, I would have voted "Aye" on LB 172 on final reading.

(Signed) Eugene Mahoney

Had I been present, I would have voted "Aye" on LB 387 on final reading.

(Signed) Gerald Stromer

COMMUNICATION ON LB 246

May 25, 1973

Hon. Allen J. Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Re: LB 246, Eighty-third Legislature, First Session

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS, we are forwarding LB 246 with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 246 notwithstanding the objections of the Governor.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

ls
cc: Governor J. James Exon

CERTIFICATE

Legislative Bill 246 having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 25th day of May, 1973.

(Signed) Frank Marsh, Presiding Officer
President of the Legislature

MESSAGE FROM THE GOVERNOR

May 24, 1973

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bill No. 286.

I am delivering this bill to the Secretary of State on this date without my signature.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

LETTER FROM THE SECRETARY OF STATE

May 25, 1973

Mr. Vince Brown
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Re: L. B. 246, 83rd Legislature, First Session

Dear Mr. Brown:

I am in receipt of Legislative Bill 246 along with the Certification filed by the President of the Legislature certifying that Legislative Bill 246, after reconsideration was passed by the Legislature notwithstanding the objections of the Governor.

Engrossed Legislative Bill 246 with the President's certification, has been officially filed in my office and will become law according to the provisions of the Constitution.

Respectfully submitted,

(Signed) Allen J. Beermann
Secretary of State

RESOLUTION

LEGISLATIVE RESOLUTION 87.

Introduced by Carpenter, 48th district; Anderson, 37th District; Barnett, 26th District; Burbach, 19th District; F. Carstens, 30th District; DeCamp, 40th District; Dickinson, 31st District; Epke, 24th District; Fellman, 4th District; Fowler, 27th District; Goodrich, 20th District; Hasebroock, 18th District; Johnson, 15th District; Kelly, 35th District; Kennedy, 21st District; Keyes, 3rd District; Kremer, 34th District; R. Lewis, 38th District; Luedtke, 28th District; Maresh, 32nd District; Marsh, 29th District; Marvel, 33rd District; Moylan, 6th District; Murphy, 17th District; Nore, 22nd District; Proud, 12th District; Rasmussen, 41st District; Richendifer, 16th District; Schmit, 23rd District; Simpson, 46th District; Snyder, 14th District; Stahmer, 8th District; Stromer, 36th District; Stull, 49th District; Syas, 13th District; Waldron, 42nd District; Warner, 25th District; Whitney, 44th District; Wiltse, 1st District.

WHEREAS, during the past eleven years the University of Nebraska football team under Coach Bob Devaney has scored 101 victories, and reigned for two consecutive years as National Champions; and

WHEREAS, this record of outstanding success has provided Nebraskans with many enjoyable and thrilling Saturday afternoons and New Years Days; and

WHEREAS, the people of Nebraska have deepened their pride in their state and their University as a result of this athletic achievement; and

WHEREAS, Coach Tom Osborne has played an important role in developing the winning teams and the winning spirit as a member of the staff since 1962; and

WHEREAS, as the new Head Coach Tom Osborne will field his first Cornhusker football team September 8, 1973, against UCLA.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends to Coach Tom Osborne, his staff, and the members of the University of Nebraska football team its support during the 1973 season and for all those that follow.
2. That along with this support the Legislature also sends its best wishes for continued success and many more exciting Saturday afternoons.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 87, 172, 187, 256, 267, 275, 387, 403, 423 and 472.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following: LB 87, LB 172, LB 187, LB 256, LB 267, LB 275, LB 387, LB 403, LB 423 and LB 472.

RECESS

At 11:53 a.m., on a motion by Mr. Carpenter, the Legislature recessed until 1:00 p.m.

AFTER RECESS

The Legislature reconvened at 1:03 p.m., President Marsh presiding.

The roll was called and all members were present except Messrs. Clark, Duis, Snyder, Kime, Proud Whitney who were excused; Messrs. Barnett and Johnson who were excused until 2:00 p.m.; Mr. Schmit who was excused until he arrives.

INVITATION

Mr. Waldron announced the North Platte Rodeo will be held on June 28, 29, 30 and July 1 and the members are invited to attend.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 533. With Emergency.

A BILL FOR AN ACT to amend sections 79-2603 and 79-2604, Reissue Revised Statutes of Nebraska, 1943, sections 79-2617, 79-2620, and 79-2626, Revised Statutes Supplement, 1972, and section 79-2616, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 248, Eighty-third Legislature, First Session, 1973, relating to technical community colleges; to place the entire state into college areas; to delete obsolete matter; to provide for college boards as prescribed; to provide for budgets; to provide severability; to repeal the original sections, and also sections 79-2605 to 79-2609 and 79-2611, Reissue Revised Statutes of Nebraska, 1943, and section 79-2610, Revised Statutes Supplement, 1972; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Anderson
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
DeCamp
Dickinson
Epke
Fellman
Fowler
Goodrich
Hasebroock
Kelly
Kennedy
Keyes
Kremer
F. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Nore
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Stromer
Stull
Syas
Waldron
Warner
Wiltse

Voting in the negative, 0.

Not voting, 11:

Barnett
Clark
Duis
Johnson
Kime
R. Lewis
Murphy
Proud
Snyder
Stahmer
Whitney

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

UNANIMOUS CONSENT—Members Excused

Messrs. Nore and F. Carstens asked unanimous consent to be excused the remainder of the day. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 535. With Emergency.

A BILL FOR AN ACT relating to agriculture; to define terms; to provide for licensing of livestock markets; to establish fees; to create a special fund; to provide for inspections; to define powers and duties; to provide penalties; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 33:

Anderson
Burbach
Carpenter
C. Carsten
F. Carstens
Chambers
DeCamp
Dickinson
Epke
Fellman
Fowler
Hasebroock
Kelly
Kennedy
Keyes
Kremer
F. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Stromer
Stull
Wiltse

Voting in the negative, 0.

Not voting, 16:

Barnett
Cavanaugh
Clark
Duis
Goodrich
Johnson
Kime
R. Lewis
Nore
Proud
Snyder
Stahmer
Syas
Waldron
Warner
Whitney

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 536. With Emergency.

A BILL FOR AN ACT to amend sections 83-1,147 and 83-305, Reissue Revised Statutes of Nebraska, 1943, and section 83-108, Reissue Revised Statutes of Nebraska, 1943, as amended by section 20, Legislative Bill 563, Eighty-third Legislature, First Session, 1973, relating to state institutions; to provide for nursing and intermediate care facilities as prescribed; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 36:

Anderson
Burbach
Carpenter
C. Carsten
Cavanaugh
Chambers
DeCamp
Dickinson
Epke
Fellman
Fowler
Goodrich
Hasebroock
Kelly
Kennedy
Keyes
Kremer
F. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Murphy

Rasmussen Richendifer Savage Schmit Simpson
Skarda Stromer Stull Syas Warner
Wiltse

Voting in the negative, 0.

Not voting, 13:

Barnett F. Carstens Clark Duis Johnson
Kime R. Lewis Nore Proud Snyder
Stahmer Waldron Whitney

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 562.

A BILL FOR AN ACT to amend sections 32-212, 32-218, 32-303, 32-409, 32-424, 32-429, 32-434, 32-440, 32-450.01, 32-471, 32-475, 32-481, 32-482, 32-4,107, 32-4,110, 32-4,118, 32-528, 32-534, 32-539, 32-540, 32-549, 32-813, 32-817, 32-820, 32-1045, 32-1202, 32-1207, 32-1215, and 32-1220, Reissue Revised Statutes of Nebraska, 1943, and sections 32-102, 32-201, 32-202, 32-210, 32-211, 32-221, 32-223, 32-228, 32-229, 32-231, 32-231.01, 32-231.08, 32-231.10, 32-402.01, 32-403, 32-420.01, 32-421.01, 32-428, 32-433, 32-438.01, 32-451, 32-476, 32-477, 32-480, 32-491, 32-493, 32-496, 32-499, 32-4,101, 32-4,104, 32-4,108, 32-4,147, 32-4,151, 32-4,152, 32-503.01, 32-504, 32-512, 32-513, 32-514, 32-524, 32-525, 32-530, 32-535, 32-537, 32-542, 32-702, 32-705, 32-803, 32-803.01, 32-806, 32-810, 32-812, 32-815, 32-819, 32-1040, 32-1205, 32-1206, and 32-1214, Revised Statutes Supplement, 1972, relating to elections; to revise the election laws of Nebraska as prescribed; and to repeal the original sections, and also sections 32-479, 32-492, 32-494, 32-4,100, 32-4,106, 32-4,109, 32-811, 32-816, and 32-824, Reissue Revised Statutes of Nebraska, 1943, and sections 32-206, 32-423.01, 32-459, 32-472, 32-483, 32-497, 32-4,128, 32-4,148, 32-518, 32-533, 32-716, 32-802, 32-804, 32-805, 32-807, and 32-809, Revised Statutes Supplement, 1972.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Anderson Burbach Carpenter C. Carsten Cavanaugh
Chambers DeCamp Dickinson Epke Fellman
Fowler Goodrich Hasebroock Kelly Kennedy

Keyes Kremer F. Lewis Luedtke Mahoney
Maresh Marsh Marvel Moylan Murphy
Rasmussen Savage Simpson Skarda Stahmer
Stromer Stull Syas Waldron Warner
Wiltse

Voting in the negative, 0.

Not voting, 13:

Barnett F. Carstens Clark Duis Johnson
Kime R. Lewis Nore Proud Richendifer
Schmit Snyder Whitney

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MR. SIMPSON PRESIDING

LEGISLATIVE BILL 557.

A BILL FOR AN ACT to amend sections 32-301, 79-426.19, 79-427, 79-516.06, and 79-803, Reissue Revised Statutes of Nebraska, 1943, sections 32-4,148, 79-428, and 79-705, Revised Statutes Supplement, 1972, section 79-311, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 402, Eighty-third Legislature, First Session, 1973, and sections 32-4,147 and 32-4,151, Revised Statutes Supplement, 1972, as amended by sections 51 and 52, respectively, Legislative Bill 562, Eighty-third Legislature, First Session, 1973, relating to elections; to harmonize with previous legislation; to provide for elections in Class III school districts; to provide terms for board members of new school districts; to change residency requirements; to provide for recall; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Anderson Burbach Carpenter C. Carsten Cavanaugh
Chambers Dickinson Epke Fellman Fowler
Goodrich Hasebroock Kelly Kennedy Keyes
Kremer F. Lewis Luedtke Mahoney Maresh
Marsh Marvel Moylan Murphy Rasmussen
Richendifer Savage Schmit Simpson Skarda
Stahmer Stromer Stull Syas Waldron
Warner Wiltse

Voting in the negative, 0.

Not voting, 12:

Barnett F. Carstens Clark DeCamp Duis
Johnson Kime R. Lewis Nore Proud
Snyder Whitney

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESIDENT MARSH PRESIDING

LEGISLATIVE BILL 563. With Emergency.

A BILL FOR AN ACT to amend sections 43-210.01, 43-219, 68-702.03, 68-703, 72-249, 72-710.01, 72-710.02, 72-1302, 72-1303, 72-1304, 79-4,147, 81-101, 81-102, 83-101.08, 83-108, 83-108.04, 83-112, 83-123.01, 83-134, 83-135, 83-139, 83-140, 83-144, 83-145, 83-147, 83-148, 83-149, 83-150, 83-153, 83-154, 83-155, 83-156, 83-170, 83-171, 83-172, 83-173, 83-174, 83-186, 83-1,136, 83-409, 83-428, 83-443, 83-4,100, 83-4,101, 83-4,102, and 83-4,104, Reissue Revised Statutes of Nebraska, 1943, sections 68-621, 83-107.01, and 83-188, Revised Statutes Supplement, 1972, section 43-210, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 58, Eighty-third Legislature, First Session, 1973, section 49-617, Revised Statutes Supplement, 1972, as amended by section 1, Legislative Bill 572, Eighty-third Legislature, First Session, 1973, and section 60-1001, Revised Statutes Supplement, 1972, as amended by section 1, Legislative Bill 201, Eighty-third Legislature, First Session, 1973, relating to the Division of Corrections; to provide for the Department of Correctional Services as prescribed; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 33:

Anderson Burbach C. Carsten Cavanaugh Chambers
Epke Fellman Fowler Goodrich Hasebroock
Kelly Kennedy Keyes Kremer F. Lewis
Luedtke Maresh Marsh Marvel Moylan
Murphy Richendifer Savage Schmit Simpson
Skarda Stahmer Stromer Stull Syas
Waldron Warner Wiltse

Voting in the negative, 0.

Not voting, 16:

Barnett
Carpenter
F. Carstens
Clark
DeCamp
Dickinson
Duis
Johnson
Kime
R. Lewis
Mahoney
Nore
Proud
Rasmussen
Snyder
Whitney

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 563A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to make appropriations to aid in administering the provisions of Legislative Bill 563, Eighty-third Legislature, First Session, 1973; to amend section 23, Legislative Bill 259, Eighty-third Legislature, First Session, 1973; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Mr. Luedtke moved for a Call of the House. The motion prevailed with 25 ayes, 1 nay and 23 not voting.

The Call showed 37 members present.

Mr. Stull moved to raise the Call. The motion prevailed with 26 ayes, 1 nay and 22 not voting.

Voting in the affirmative, 33:

Anderson
Burbach
Carpenter
C. Carsten
Cavanaugh
Chambers
DeCamp
Epke
Fellman
Fowler
Goodrich
Hasebroock
Kelly
Keyes
Kremer
F. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Richendifer
Savage
Schmit
Simpson
Skarda
Stahmer
Stull
Syas
Waldron
Warner
Wiltse

Voting in the negative, 1:

Rasmussen

Not voting, 15:

Barnett F. Carstens Clark Dickinson Duis
Johnson Kennedy Kime R. Lewis Murphy
Nore Proud Snyder Stromer Whitney

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 581. With Emergency.

A BILL FOR AN ACT relating to appropriations; to amend sections 5, 7, 17, 26, 31, 37, 48, 49, 50, 58, and 66, Legislative Bill 1476, Eighty-second Legislature, Second Session, 1972, sections 4, 18, and 27, Legislative Bill 1476, Eighty-second Legislature, Second Session, 1972, as amended by sections 1, 4, and 5, respectively, Legislative Bill 253, Eighty-third Legislature, First Session, 1973, section 16, Legislative Bill 1476, Eighty-second Legislature, Second Session, 1972, as amended by section 1, Legislative Bill 1413A, Eighty-second Legislature, Second Session, 1972, section 23, Legislative Bill 1476, Eighty-second Legislature, Second Session, 1972, as amended by section 2, Legislative Bill 1499A, Eigty-second Legislature, Second Session, 1972, section 60, Legislative Bill 1476, Eighty-second Legislature, Second Session, 1972, as amended by section 2, Legislative Bill 1334A, Eighty-second Legislature, Second Session, 1972, and section 30, Legislative Bill 1476, Eighty-second Legislature, Second Session, 1972, as amended by section 1, Legislative Bill 1328A, Eighty-second Legislature, Second Session, 1972; to change certain appropriations and personal services limitations; to amend sections 2 and 5, Legislative Bill 1513, Eighty-second Legislature, Second Session, 1972, and section 2, Legislative Bill 1516, Eighty-second Legislature, Second Session, 1972; to change appropriations for capital construction; to amend section 1, Legislative Bill 1281, Eighty-second Legislature, Second Session, 1972, as amended by secion 1, Legislative Bill 1389A, Eighty-second Legislature, Second Session, 1972; to increase certain appropriations; to amend section 4, Legislative Bill 1032A, Eighty-second Legislature, Second Session, 1972; to change appropriations to the Supreme Court; to make an appropriation to the Nebraska Governor's Commission on the Status of Women; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 37:

Anderson Barnett Burbach Carpenter C. Carsten
Cavanaugh Chambers Dickinson Epke Fellman

Fowler
Goodrich
Hasebroock
Kelly
Kennedy
Keyes
Kremer
F. Lewis
Luedtke
Maresh
Marsh
Marvel
Moylan
Murphy
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Wiltse

Voting in the negative, 0.

Not voting, 12:

F. Carstens
Clark
DeCamp
Duis
Johnson
Kime
R. Lewis
Mahoney
Nore
Proud
Snyder
Whitney

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 582. With Emergency.

A BILL FOR AN ACT to amend sections 3, 4, 16, 18, 26, 27, 29, 31, 39, 43, 48, 49, 51, 57, 63, 64, 79, 81, and 92, Legislative Bill 259, Eighty-third Legislature, First Session, 1973, relating to appropriations; to change appropriations and reappropriate funds; to eliminate cash fund restrictions; to impose a restriction; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
Cavanaugh
Chambers
Dickinson
Epke
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Moylan
Murphy
Rasmussen
Richendifer
Savage
Schmit
Simpson
Skarda
Stahmer
Stromer
Stull
Syas
Waldron
Warner
Wiltse

Voting in the negative, 0.

Not voting, 10:

F. Carstens
Clark
DeCamp
Duis
Kime
Marvel
Nore
Proud
Snyder
Whitney

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 583. With Emergency.

A BILL FOR AN ACT relating to public health; to create funds and specify the source and use; to provide fees and increase fees; to provide for inspections, tests, and examinations; to amend sections 71-513, 71-605.02, 71-612, 71-623, 71-627, 71-634, and 71-4305, Reissue Revised Statutes of Nebraska, 1943; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 37:

Anderson Barnett Burbach Carpenter C. Carsten
Cavanaugh Chambers Epke Fellman Fowler
Goodrich Hasebroock Johnson Kelly Kennedy
Keyes Kremer R. Lewis Luedtke Mahoney
Maresh Marsh Marvel Moylan Murphy
Richendifer Savage Schmit Simpson Skarda
Stahmer Stromer Stull Syas Waldron
Warner Wiltse

Voting in the negative, 0.

Not voting, 12:

F. Carstens Clark DeCamp Dickinson Duis
Kime F. Lewis Nore Proud Rasmussen
Snyder Whitney

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

UNANIMOUS CONSENT—Members Excused

Messrs. Kremer, Richendifer, Marvel and Stromer asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on May 25, 1973 at 1:25 p.m. were the following: LB 87, LB 172, LB 187, LB 256, LB 267, LB 275, LB 387, LB 403, LB 423, and LB 472.

(Signed) Barbara Jackson, Enrolling Clerk

EXPLANATION OF VOTE

Had I been present I would have voted "Aye" on the following bills: 485, 524, 533, 535, 536, 562, 557, 563 and 563A.

(Signed) Wally Barnett

UNANIMOUS CONSENT—Print in Journal

Mr. Chambers asked unanimous consent to have the following letter printed in the Journal. No objections. So ordered.

May 25, 1973

Senator Ernest Chambers, Chairman
Military, Government & Veteran's Affairs Committee
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Senator and Members of the Legislature:

My deputy, Ralph Englert, the local election officials and I wish to take this opportunity to express our appreciation to the Government Committee and the Legislature for the approval of the package of election bills during the 83rd Legislature, First Session.

These bills were important pieces of Legislation. Of even more importance is the fact that these election bills were approved by your body this session so that they can be properly implemented prior to the 1974 election year. This is a real asset especially to the local election officials.

I want to compliment the Legislature for its patience and understanding on these very difficult and complex matters. It is important to note that Nebraska has not had an election contest for some 25 years.

This is a real tribute to the Legislature for keeping election laws current with changing situations and consistent with court opinions. We are extremely proud of this Legislative body for their cooperation in this regard.

Respectfully submitted,

(Signed) ALLEN J. BEERMANN
Secretary of State

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 485, 524, 533, 535, 536, 562, 557, 563, 563A, 581, 582 and 583.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following: LR 84, LR 85, LB 485, LB 524, LB 533, LB 535, LB 536, LB 562, LB 557, LB 563, LB 563A, LB 581, LB 582 and LB 583.

RESOLUTION

LEGISLATIVE RESOLUTION 88.

Introduced by Burbach, 19th District.

WHEREAS, in 1965 this Legislature adopted Legislative Bill 125, amending Section 77-1226.02 of the Nebraska statutes to accord certain privileges to Nebraska citizens to induce them to warehouse in Nebraska; such 1965 act being designed to encourage and broaden Nebraska's economic base; and

WHEREAS, the Supreme Court of the State of Nebraska in a recent case interpretation of Section 77-1226.02 has stated that it recognized the 1965 intent of the Legislature, but in its opinion was unable to apply the amended language of said section in a form to comply with the legislative intent; and

WHEREAS, the import of this Supreme Court opinion tends to place taxing authority in the hands of parties outside government or its subdivisions, and permit these third parties to collect a fee for the privilege of utilizing the exemption of Section 77-1226.02; and it further appears from such court interpretation that the State of Nebraska is left in the position of discriminating against its own citizens in deference to foreign business storing merchandise in the State for later shipment to other states.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1) That it is and was the view, intent and will of the Legislatures in this session and in the session of 1965, by the additions and deletions incorporated in Legislative Bill 125 to Section 77-1226.02, to provide two separate and distinct classes of bonded and licensed warehouses, one public and one private, for the storage of goods, wares and merchandise in this state that are in-transit or for shipment to final destination outside the state, and for exemption of such goods, wares and merchandise from ad valorem taxation in this state.

2) The Legislature has further clarified its view, intent and will expressed in the session of 1965 by the passage of Legislative Bill 534 in this session.

WHEREFOR, the Legislature points out to the citizens of Nebraska that the interpretation of the Supreme Court of Nebraska of Section 77-1226.02 creates an economic hardship on the citizens of the State of Nebraska, deprives them of equal treatment under the laws of the State of Nebraska, and places them in an unfair competitive position with their counterparts in the other states.

Mr. Burbach asked unanimous consent to consider LR 88 at this time. No objections. So ordered.

LR 88 was adopted with 28 ayes, 1 nay and 20 not voting.

EXPLANATION OF VOTE

Had I been present, I would have voted "Aye" on LR 23 LB 552, LB 553, LB 554, LB 555, LB 556, LB 558, LB 560, LB 561, LB 149, LB 550, LB 559, LB 577, LB 544, LB 545, LB 549, LB 579, LB 134 and LB 236 on final reading.

(Signed) Gary L. Anderson

REPORT OF THE EXECUTIVE BOARD

May 24, 1973

To the members of the Nebraska Legislature:

Attached is a list of the study resolutions which the Executive Board of the Legislative Council has recommended be approved, and the committees to which they have been assigned. We urge that the Legislature adopt this report.

Sincerely,

(Signed) Terry Carpenter, Chairman
Legislative Council Executive Board

TC/ss

enclosure:

LR 6 Regulations concerning pollutant discharge. (Schmit) Referred to the Committee on Agriculture

LR 7 Continuation of the Tax Study. (Burbach, Epke, C. Carsten) Referred to the Committee on Revenue

LR 20 Administration in the offices of the county attorneys. (Carpenter) Referred to the Committee on Judiciary

LR 27 Study of solid waste disposal. (Maresh, Fowler) Referred to the Committee on Agriculture

LR 35 Continuation of the study of all Nebraska Retirement Systems. (Whitney) Referred to the Committee on Retirement

LR 37 Flood Plains Act. (F. Carstens) Referred to the Committees of Agriculture and Public Works

LR 39 Responsibility for roads and streets in unincorporated areas. (Carpenter) Referred to the Committee on Public Works

LR 40 Water and land resources study. (Kremer) Referred to the Committees on Agriculture and Public Works

LR 41 Natural gas utilities and the electrical industry. (R. Lewis) Referred to the Committee on Public Works

LR 42 Land-use program. (Agriculture Comm.) Referred to the Committee on Agriculture

LR 43 Transportation authority. (LB 467) (Snyder) Referred to the Committee on Urban Affairs

LR 44 Marriage and divorce laws. (Proud) Referred to the Committee on Judiciary

LR 45 Energy crisis. (Snyder) Referred to the Executive Board

LR 46 Revenue and Taxation (Burbach) Referred to the Committee on Revenue

LR 47 Pesticides (Schmit) Referred to the Committee on Agriculture

LR 48 Health Care Services. (Health Comm.) Referred to the Health and Welfare Committee

LR 50 Lack of interest in farming by youth of Nebraska. (Schmit, Waldron, Snyder) Referred to the Committee on Agriculture

LR 51 Gambling, wagering, lotteries, and related subjects. (DeCamp) Referred to the Committee on Government

LR 52 Land Use Plan. (Schmit, Epke, Kennedy, etc.) Referred to the Committee on Agriculture

LR 54 Federal Revenue Sharing. (Fellman) Referred to the Committee on Appropriations

LR 55 State Acquisition of Railroad Rights of Way. (Keyes) Referred to the Committee on Constitutional Revision

LR 56 Military salary not subject to state income tax. (Maresh) Referred to the Committee on Revenue

LR 57 Delinquent child support payments. (Kelly) Referred to the Committee on Health and Welfare

LR 58 Study of people-related services being provided by the state. (Marvel & Clark) Referred to the Committee on Appropriations

LR 59 Higher Education. (Stromer, Marvel, Stahmer & Simpson) Referred to the Committee on Appropriations

LR 62 Training in paralegal research. (Goodrich) Referred to the Committee on Education

LR 63 Study of the energy crisis. (Anderson) Referred to the Executive Board

LR 64 Detached auxiliary teller facilities (LB 312) Referred to Committee on Banking

LR 65 All aspects of public housing in Nebraska. Referred to Committee on Government, Military & Veteran's Affairs

LR 69 All needs for food assistance throughout the state. Referred to Committee on Public Health and Welfare

LR 70 Uniform system of financial control of money used in political campaigns for state offices. Referred to Committee on Urban Affairs

LR 71 Salary of members of the Legislature. Referred to Committee on Urban Affairs

LR 72 Election statutes and campaign spending practices. Referred to Committee on Urban Affairs

LR 73 Office of the County Superintendents. Referred to Committee on Education

LR 74 State Patrol. Referred to Committee on Labor

LR 75 Access to the Interstate Highway System. Referred to Committee on Public Works

LR 76 Computer use at state and local levels. Referred to the Executive Board

LR 77 Financial Aids for Higher Education. Referred to Committee on Education

LR 78 Study of the laws, regulations, executive orders, etc., having an effect on agricultural industry in Nebraska. Referred to Committee on Agriculture

LR 79 Distribution of state aid funds for education. Referred to Committee on Education

LR 80 Common data definition collection and reporting. Referred to Executive Board

LR 81 Capital construction planning, designing, construction and appropriation. Referred to Committee on Appropriations

LR 82 Recreational facilities and opportunities in Nebraska. Referred to Committee on Constitutional Revision and Recreation

MOTION—Approve Recommendations

Mr. Carpenter moved to approve the study committees for the interim period as recommended by the Executive Board. The motion prevailed with 35 ayes, 0 nays and 14 not voting.

UNANIMOUS CONSENT—Members Excused

Messrs. Wiltse, Hasebroock and Maresh asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

MOTION—Unbracket LB 235 and LB 235A

Mr. Chambers moved to unbracket LB 235 and LB 235A and read on final reading.

Mr. Carpenter requested a roll call vote.

Voting in the affirmative, 22:

Anderson
Barnett
Burbach
Carpenter
Cavanaugh
Chambers
Fellman
Fowler
Kelly
Keyes
F. Lewis
Luedtke
Mahoney
Marsh
Moylan
Savage
Schmit
Simpson
Skarda
Stahmer
Syas
Waldron

Voting in the negative, 10:

C. Carsten
Dickinson
Epke
Goodrich
Johnson
Kennedy
R. Lewis
Murphy
Rasmussen
Warner

Not voting, 17:

F. Carstens
Clark
DeCamp
Duis
Hasebroock
Kime
Kremer
Maresh
Marvel
Nore
Proud
Richendifer
Snyder
Stromer
Stull
Whitney
Wiltse

The motion lost with 22 ayes, 10 nays and 17 not voting.

MOTION—Unbracket LB 311A

Mr. Stahmer moved to unbracket LB 311A and read on final reading. The motion prevailed with 26 ayes, 1 nay and 22 not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 311A.

A BILL FOR AN ACT to appropriate five hundred thousand dollars from the state General Fund for the period of July 1, 1973 to June 30, 1974 to the Department of Public Institutions, Agency No. 25 for Program 425, Mental Retardation, to aid in carrying out the provisions of Legislative Bill 311, Eighty-third Legislature, First Session, 1973.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 32:

Anderson Barnett Burbach Carpenter Cavanaugh
Chambers DeCamp Dickinson Epke Fellman
Fowler Goodrich Johnson Kelly Kennedy
F. Lewis R. Lewis Luedtke Mahoney Marsh
Moylan Murphy Rasmussen Savage Schmit
Simpson Skarda Stahmer Stull Syas
Waldron Warner

Voting in the negative, 0.

Not voting, 17:

C. Carsten F. Carstens Clark Duis Hasebroock
Keyes Kime Kremer Maresh Marvel
Nore Proud Richendifer Snyder Stromer
Whitney Wiltse

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on May 25, 1973 at 3:05 p.m. were the following bills: 485, 524, 533, 535, 536, 557, 562, 563, 563A, 581, 582, and 583.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 311A.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed LB 311A.

VISITORS

The following guests were introduced: 52 8th grade students, 6 sponsors and teachers from St. Richards School, Omaha; 42 7th and 8th grade students and teachers from Battle Creek Public School, Battle Creek; 58 6th grade students, 3 mothers and teachers from Wake Robin School, Bellevue.

ADJOURNMENT

At 3:26 p.m., on a motion by Mr. Syas, the Legislature adjourned until 9:00 a.m., Friday, June 1, 1973.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTY-THIRD LEGISLATURE
FIRST SESSION

NINETIETH DAY

Legislative Chambers, Lincoln, Nebraska
Friday, June 1, 1973

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Marsh presiding.

PRAYER

The prayer was offered by the Chaplain.

> For the infinite variety of circumstances and situations, of issues and events, of joys and sorrows, which have marked the pathway from where we were at the start of this Session, to the place where we find ourselves this morning. . . .
>
> For the sheer privilege of having been brought together from our widely differing backgrounds and areas as members of one family in this House. . . .
>
> for those occasions when we have been able to see beyond our differences of opinion and political philosophy, and unite behind purposes which are larger than we are, and advance causes which are destined to outlive us. . . .
>
> for whatever use You have been able to make of us in serving the needs of others. . . .
>
> for the courage we have experienced in moments of heat and tensions really to believe that what helps people is always right, and for anything and everything that has happened during this Session to translate that conviction into action. . . .
>
> for the record, good and not so good, to which we now may point with satisfaction, or criticize as less than satisfactory. . . .
>
> for those who have worked among us in committee and caucus, or quietly behind the scenes in less obvious roles to help the machinery of this House and this State to move on, as for families back home who have continued to support us when things have not gone smoothly.
>
> for the inner satisfaction we feel that we have been part of some things happening for good in our time, as for the penitence we feel that we could not have done more, that we did not do better. . . .

for friendships we have formed here with each other, and with others, which will continue to have meaning and memory far beyond our associations here. . . .

for the uncertain future which lies beyond today's Session, and the continuing crises with which it will confront all of us, and for the continuing dedication and devotion it will inspire from all men of good will. . . .

for such things as these we pray in special thanksgiving at this day's beginning, which marks this Session's ending, O Lord our God. . . . .Your love divine has led us in the past; in this free land, by You our lot is cast. Still be our Ruler, Guardian, Guide and Stay, Your word our law, Your paths our chosen way. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Clark and Waldron who were excused; Mr. Luedtke who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eighty-ninth Day was approved.

MESSAGES FROM THE GOVERNOR

May 25, 1973

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Reengrossed Legislative Bills Nos. 110 and 545, and Engrossed Legislative Bills Nos. 110A, 149, 505, 534, and 579.

These bills were signed by me on May 25, 1973 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

May 25, 1973

Mr. Vince Brown

Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 87, 261, 275, 544, 549, 550, 554, 556, 558, 559, 560, 561, 577, 586 and 589.

These Bills were signed by me on May 25, 1973, and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:do

May 29, 1973

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Reengrossed Legislative Bills Nos. 311A, 485, 533, and 535, and Engrossed Legislative Bills Nos. 134, 187, 267, 400, 423, 524, 536, 552, 553, 555, 557, 562, 581, 582, and 583.

These bills were signed by me on May 26, 1973 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

May 29, 1973

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I am returning herewith LB 236 without my signature and with my objections.

I am vetoing this bill because it greatly compromises our efforts to obtain a uniform and equitable pay and classification plan for the employees of Nebraska state government and would allow the continued widening of the gap between those with high and low salaries.

For all too many years, efforts to establish such a plan have failed for one reason or another. There have been gross inequities primarily affecting the average employees. We have now taken a step forward in insuring just and equal pay for state employees with the passage of LB 259 and LB 545. Let us not now dash those efforts just because a few college and University administrators wish the right to continue past policies which have proven unfair to lower paid workers.

Passage of LB 236 would greatly reduce the scope and extent of our success. In exempting the agencies listed therein, this bill removes some 5,700 positions from the standards established by the Nebraska Classification and Pay Plan. Most unfortunate is the fact that these are many of the very positions we should be continually striving to guarantee uniform pay and classification schedules. It should be understood that the personnel system does not direct itself to agency directors, college professors, and management people. It does affect clerks, secretaries, receptionists, and laborers, the very level of positions your honorable body has time and again recognized as being discriminated against in the application of annual salary increases. You recognized this in 1971-72 when you allowed an across-the-board increase of $300 for each employee regardless of salary. You again made recognition of the disparity in annual salary increases by allowing $200 plus 2½% in 1972-73. Both of these efforts were made for one purpose, giving the lower salaried people a greater increase than they would have received under the old system of a fixed percentage of increase.

In analyzing the effort of the classification and pay plan, it was determined that of the 13,772 filled positions in the fall of 1972, 9,102 were at a salary of $7,000 or less per annum. Since nearly all of the 5,700 positions affected by LB 236 fall within that range, this bill in effect removes about 60% of that very group we have tried so hard to protect.

Some of the agencies affected by this bill have stated that they have every intention of following the pay plan even though they are not required to do so. If that be the case, why not require it?

In 1970, the Supreme Court held that the Legislature could adopt whatever spending limits it so desired. The question at that time involved the establishment of personal services ceilings within operational programs. The court held that the Legislature did in fact have complete authority in establishing such spending guidelines.

I am very concerned about the long-range effect of LB 236 if it becomes law. It would have a very demoralizing effect on those state employees losing their last chance on employment equity. Such passage will revert 5,700 positions back to the multiple standards which have existed in the past. I think you will agree that we cannot allow that to happen.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

May 29, 1973

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

I wish to advise that on Friday last, I have reluctantly signed into law LB 87 providing for the transfer of some $384,000 of state highway construction funds to the counties for replacement of substandard bridges.

While doing this, the Legislature has provided no replacement funds to the state highway department and the construction program is therefore curtailed by this amount.

I also note that despite my request, LB 87 did not provide standby authority for this administration to issue up to $10 million in highway construction bonds should some present unforeseen emergency occur.

Let the record show that despite my request, the Legislature failed to grant this standby authorization.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:fw

May 29, 1973

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Legislative Resolution No. 23.

This resolution was signed by me on May 25, 1973 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

May 30, 1973

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. President and Senators:

I return herewith LB 472 without my signature and with my objections. A prime factor in this decision is that this $100 million plus state tax increase bill was amended, cleverly and without general knowledge of the public or presumably most Senators, to eliminate the key spending lid widely heralded by its principal proponents as guaranteeing long-term property tax relief.

I wish to advise your honorable body that I have signed into law LB 172 providing a $20 million increase in state school aid and for some property tax relief. This bill employs Federal revenue sharing funds as I had suggested in two previous messages to you and is a proper use of such funds. Enactment of LB 172, while eliminating a chance at a reduction in the state sales tax from 2½ to 2% next year as I outlined as one possibility in my message of April 16, is legislation that will not cause an increase in state sales and income tax rates.

LB 472 is quite another matter and among its most obvious shortcomings are:

(1) A mandated 40% increase in the state sales tax and a 33% increase in the income tax next year.

(2) No spending limit whatsoever on school expenditures after the first two years. A review of past efforts to provide real property tax relief through increased state sales and income taxes for aid to education without enforceable spending limitations have proved futile.

(3) LB 472 as passed is a scheme to shift unfairly a large tax burden to the average and lower income Nebraskan to the benefit of the more affluent. The measure, for example, would provide that business and corporate interests would receive an average initial tax break of $1.50 on property for every $1.00 of increased

sales and income taxes paid while homeowners would pay increased sales and income taxes at the rate of $2.00 for every $1.00 in real estate savings.

(4) Unlike almost all other states enacting or considering property tax relief, the renter is required to pay more in sales and income taxes with no guarantee of even a penny in relief.

In any override attempt, the Legislature is being placed in a unique position Friday by the last minute parliamentary maneuverings of Senator Warner. You are being asked to cut the income tax rate two points from 15 to 13% retroactively rather than to accept my suggestion that such rates possibly be reduced by up to 5 points from 15% to 10% by the customary action of the State Board of Equalization this November. At the same time, the Legislature is being asked to raise the sales and income tax next year to fund LB 472. I hope that the Legislature will concur that reducing taxes this year while mandating a substantial increase next year is not in keeping with sound management of the state fiscal policies.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:fw

May 30, 1973

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Reengrossed Legislative Bill No. 172.

This bill was signed by me on May 30, 1973 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

May 30, 1973

Mr. Vince Brown
Clerk of the Legislature

State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 387, 403, 563, and 563A.

These bills were signed by me on May 30, 1973 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

ATTORNEY GENERAL OPINIONS

Opinion No. 61
May 31, 1973

Senator Thomas C. Kennedy
Nebraska State Legislature
State Capitol
Lincoln, Nebraska

Dear Senator Kennedy:

You have inquired if a technical community college board has authority to sell real property upon which a structure has been constructed for resale by students as a part of their regular course of study. In connection therewith, you also ask for possible guidelines.

It is well settled law that school districts may contract only respecting objects and to the extent the laws permit. See, inter alia, American Surety Co. of New York v. School Dist. No. 64 of Douglas County, 117 Neb. 6, 219 N. W. 583 (1928). Consequently, we examined the several statutes pertaining to the operation of technical community colleges. Our examination, however, disclosed no authority whereby the board of a technical community college area could lawfully sell real property upon which a structure has been constructed for resale by students as a part of their regular course of study. Consequently we must conclude that community college boards are without authority to do so. If this property is to be sold, we suggest that appropriate legislation is needed. We would be most willing to work with you and the bill drafter in connection therewith.

Very truly yours,

CLARENCE A. H. MEYER
Attorney General

(Signed) Harold Mosher
Assistant Attorney General

HM:jc

cc: Vincent D. Brown
Clerk of the Legislature

Opinion No. 62
May 31, 1973

Senator Terry Carpenter
Nebraska State Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Senator Carpenter:

In your letter of May 29, 1973, you ask some questions relating to L. B. 114 and to the present reading of some of the sections of the statutes which would be amended by L. B. 114. Some of the amendments made by L. B. 114 deal with procedural matters, and we will not discuss these matters, because we do not believe that this is what you are inquiring about.

Your first question is whether there are presently constitutional difficulties with Section 77-202.13(4), R. S. Supp., 1972. This provides for a homestead exemption in 1973 of the first 25 percent, and in 1974 and each year thereafter, the first 50 percent of the tax on the homestead of certain specified over-65, low income persons, but not to exceed a maximum exemption of $125.00 in 1973 and $250.00 in 1974 and each year thereafter. While there is a presumption of constitutionality of statutes passed by the Legislature, we feel that there may be some difficulty in defending the constitutionality of this provision, and the court could well hold it to be invalid.

Article VIII, Section 2 of the Nebraska Constitution provides in part:

> "* * *. No property shall be exempt from taxation except as provided in the Constitution. The Legislature may by general law provide that a portion of the value of any residence actually occupied as a homestead by any classification of owners as determined by the Legislature shall be exempt from taxation."

The question we have to answer is whether the language in the present statute complies with the homestead exemption language in the constitutional provision quoted above, as, if it does not, it is forbidden by the first sentence of the above quotation. The first thing that we note with respect to the present statutory language is that it provides for the exemption of a portion of the tax on the homestead, rather than upon a portion of the value of the homestead which is the language used in the Constitution. It can be argued that whether the exemption is a portion of the tax or a portion of the value is immaterial, and translates into the same result. However, this argument is considerably weakened by the provision for a maximum exemption of $125.00 in 1973 and $250.00 in 1974. It is readily apparent that the percentage of exemption is dependent upon the size of the mill levy where the homestead is located. If the homestead is located in an area where the mill levy is low, 25 percent of the tax might not amount to $125.00, and therefore the exemption would be 25 percent of the tax, and hence, of the value of the homestead. On the other hand, in an area where the mill levy was high, 25 percent of the tax on a homestead of exactly the same value might amount to $250.00, only $125.00 of which would be allowable, and, in that situation, the exemption would amount to only 12½ percent of the value of the homestead.

What this amounts to, in effect, is classification of taxpayers on the basis of the size of the mill levy applicable to the property. The Constitution authorizes classification of owners as determined by the Legislature, but we believe that it is questionable whether the court would uphold classification based upon the size of the mill levy. For this reason we entertain some doubt as to the validity of the present statute.

L. B. 114 amends Section 77-202.13 to read in part as follows:

> "All homesteads in this state shall be assessed for taxation the same as other property, except that there shall be exempt from taxation * * * (4) in 1973, the first ninety per cent of the first seventy-five hundred dollars of the actual value of any homestead, and in 1974 and each year thereafter the first ninety per cent of the first fifteen thousand dollars of the actual value of any homestead of persons qualifying under subdivision (4) of section 77-202.12. * * *."

As you can see, this provision eliminates the constitutional objections we pointed out in connection with the present statute. This exemption would be based upon a percentage of the value of the homestead, rather than the amount of the tax, which is in strict compliance with the language of the Constitution, although, as we said, an exemption of a portion of the tax, without limitations, probably could be sustained. We do not believe that the limitation of the values to which the percentage shall be applied is subject to the same criticism as the limitation on the amount of tax. The classification under L. B. 114 is not based upon the size of the mill levy, but is uniform throughtout the state, even though, of course, the effect of the exemption will vary according to mill levy. This, however, would be true even if no dollar limitation were applied.

You also ask whether the passage of L. B. 114 would create any legal or constitutional problems that do not presently exist. We do not perceive any such problems, and believe that the provisions of L. B. 114 which we have discussed herein can be successfully defended.

Very truly yours,

CLARENCE A. H. MEYER
Attorney General

(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:
cc: Vincent D. Brown
Clerk of the Legislature

MESSAGE FROM THE GOVERNOR

May 30, 1973

Mr. Vince D. Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Vince:

Thank you for your letter and the attached resolution from the Legislature.

Attached herewith is a proclamation that I put out on this matter last week which I believe covers the suggestions in the Legislative resolution.

Sincerely,

(Signed) J. James Exon
Governor

JJE:fw

STATE OF NEBRASKA
EXECUTIVE OFFICE
LINCOLN
PROCLAMATION

WHEREAS the Midwest is presently encountering a shortage of all types of fuel; and

WHEREAS at the present time such shortage can be alleviated only by a reduction in use of all types of fuel:

NOW, THEREFORE, I, J. James Exon, Governor of the State of Nebraska, call upon the citizens of Nebraska government, business, industry, and private citizens to consider implementing the following voluntary conservation measures to help curtail possible serious fuel shortages:

All home and building owners should maintain properly adjusted heating and cooling systems, inspect insulation to be certain of its adequacy, and whenever possible, reduce the use of electricity and air conditioning; and

Commuters should try to use mass transit or form car pools; and

Motorists should drive at lower speeds on high-speed roadways; accellerate slowly and smoothly from a start; drive at steady, moderate pace; turn off engine when stopped for more than a minute at bridges, train crossings, or in stalled traffic; keep engines properly tuned; properly inflate tires; consider the necessity of every trip; plan trips to reduce excessive mileage and driving; lighten cars by removing unnecessary weight from trunks, and limit the use of air conditioners and other fuel-consuming accessories; and

Commercial truckers should attempt to carry reasonable loads, use the most direct routes, and turn off engines when waiting in terminals or for periods of over a minute; and

Agricultural and commercial operations with private stocks of gasoline should guard against evaporation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nebraska to be affixed.

DONE at the State Capitol, Lincoln, this 23rd day of May in the Year of Our Lord One Thousand Nine Hundred and Seventy-Three.

(Signed) J. James Exon
Governor

(SEAL)
Attest:
(Signed) Allen J. Beermann
Secretary of State

May 31, 1973

The Honorable Richard F. Proud, Speaker
and Members of the Legislature
Nebraska State Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. Speaker and Senators:

This is to inform your honorable body that I have today signed LB 256 with some objections which I am detailing herewith.

I have eliminated all funds for the Adult Evaluation Center, the two medium-minimum facilities and the Juvenile Diagnostic Center.

The only penal reform legislation affecting programs which was introduced this session was introduced at my request. Unfortunately, no program policies were passed and the only thing in this area enacted was massive and not well thought out new facilities construction.

It appears that the bricks and mortar approach has consumed the thinking of some. Furthermore, we had heard a great deal about the availability of federal funds for construction but in none of the appropriations are any federal funds other than revenue sharing used.

I have vetoed the above projects because they are more expensive than necessary, or as in the case of the Juvenile Diagnostic Center, totally unnecessary. Adequate facilities presently exist for juvenile diagnosis. May I refer you to my more reasonable and moderate constructive program and suggest that if you are truly interested in penal reform, you will next session pass both my program and construction recommendations. A key part of my suggestions was that we locate a single reformatory type facility halfway between Lincoln and Omaha. This would eliminate expensive duplication of staff.

At the University we have reduced the appropriation for a Life Science facility to the level of my original recommendation. There is no need for a totally new facility when a combination of new and a remodeled facility will serve just as well. We have also eliminated funds to demolish Stout Hall which had been put in as part of the expanded Life Science recommendation.

At UNO we left all the funds (totaling nearly $6 million) added to my recommendation with the exception of funds for a central utility plant. This can be built with bonds and paid from the resultant operating savings. My actions have the approval of the UNO administration.

At Scottsbluff we left all additions in except land acquisition. Until a final determination is made on whether or not the state will acquire Hiram Scott, we should not purchase land since we would get a substantial amount of land with Hiram Scott if we eventually acquire it.

Finally, we have eliminated all revenue sharing fund support for recreational access roads. We have always maintained and still maintain that adequate cash funds exist for that purpose. As a matter of fact there is presently a balance of such funds available for construction.

All other funds added by your Appropriations Committee or by floor amendment have been left as you approved them.

I should also point out that passage of LB 256 with the above objections still makes a $7.3 million commitment on the state in 1974-75 and a $2.1 million commitment in 1975-76 in addition to the $16.9 provided for 1973-74.

These figures are in addition to the appropriations for the field house and fairgrounds approved last year. Because of the large commitments in the future years extreme discretion and restraint will be required.

I hope that you will accept my reductions as a reasonable compromise between the levels of funding hoped for by each of us.

Respectfully submitted,

(Signed) J. James Exon
Governor

JJE:fw

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on May 25, 1973, at 3:30 p.m.: LB 311A.

(Signed) Barbara Jackson, Enrolling Clerk

UNANIMOUS CONSENT—Print in Journal

Mr. Anderson asked unanimous consent to have the following printed in the Journal. No objections. So ordered.

June 1, 1973

The Honorable Gary Anderson
State Senator
State Capitol
Lincoln, Nebraska

Dear Senator Anderson:

Thank you for your letter of May 31, 1973.

Your efforts and inquiry as to my positions are appreciated. I salute your efforts in considering passage of sound legislation.

You are aware of my concern for passing measures that on one hand attempt to direct temporary tax decreases, while at the same time the Legislature is considering enactment of multi-million dollar expenditures that dictate tax increases. While there can be honest differences on what are proper expenditures, I believe we must act with prudence. I am not unalterably opposed to providing a retroactive income tax reduction from 15% to 13% to January 1, 1973, provided other legislative action squares with conservative decisions on spending matters.

A tax cut now of 2 percentage points, or my suggestion of a possible reduction of up to 5% by the State Board of Equalization for next year amount to irresponsibility, if we entertain a brief pause before the tax dam is broken and a new flood comes tumbling down on Nebraska sales and income taxpayers. I have been fighting for three years to keep expenditures and taxes in line and I don't propose to give up now. My position then is that any decrease can be responsibly entertained, only if the legislature confirms my veto of LB 472, accepts the reductions in LB 256 and acts responsibly on other matters.

It is possible that if the recommended actions are followed we might still effect some reduction and still fund the pending increase in homestead exemptions for senior citizens.

I must reserve my final judgement until after reflecting upon all final legislative actions.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:lm

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed LR 88.

MOTION—Override Veto on LB 472

Mr. Warner moved to override the Governor's veto on LB 472.

Mr. Proud moved the previous question. The question is, "Shall the debate now cease?" The motion lost with 24 ayes, 19 nays and 6 not voting.

Mr. Barnett moved the previous question. The question is, "Shall the debate now cease?" The motion prevailed with 27 ayes, 2 nays and 20 not voting.

The question is, "Shall LB 472 be passed notwithstanding the objections of the Governor.

Mr. Warner requested a roll call vote.

Voting in the affirmative, 28:

Barnett
Burbach
C. Carsten
F. Carstens
DeCamp
Dickinson
Duis
Epke
Fowler
Hasebroock
Johnson
Kelly
Keyes
Kremer
R. Lewis
Luedtke
Marsh
Marvel
Murphy
Nore
Proud
Rasmussen
Richendifer
Schmit
Simpson
Stromer
Stull
Warner

Voting in the negative, 19:

Anderson Carpenter Cavanaugh Chambers Fellman
Goodrich Kennedy Kime F. Lewis Mahoney
Maresh Moylan Savage Skarda Snyder
Stahmer Syas Whitney Wiltse

Not voting, 2:

Clark Waldron

The motion lost with 28 ayes, 19 nays and 2 not voting.

MOTION–Override Veto on LB 256

Mr. Carpenter moved to override the Governor line item veto on LB 256.

Mr. Carpenter moved the previous question. The question is, "Shall the debate now cease?" The motion prevailed with 26 ayes, 10 nays and 13 not voting.

The question is "Shall LB 256 be passed notwithstanding the line item objections of the Governor?"

Mr. Chambers moved for a Call of the House. The motion prevailed with 23 ayes, 9 nays and 17 not voting.

The Call showed 47 members present.

Mr. Chambers requested a roll call vote.

Voting in the affirmative, 26:

Barnett Burbach Carpenter C. Carsten F. Carstens
Cavanaugh Chambers DeCamp Duis Epke
Fowler Goodrich Hasebroock Johnson Kelly
Kremer Mahoney Marsh Marvel Nore
Schmit Simpson Stull Syas Warner
Wiltse

Voting in the negative, 20:

Anderson Dickinson Fellman Kennedy Keyes
F. Lewis R. Lewis Luedtke Maresh Moylan
Murphy Proud Rasmussen Richendifer Savage
Skarda Snyder Stahmer Stromer Whitney

Not voting, 3:

Clark	Kime	Waldron

The motion lost with 26 ayes, 20 nays and 3 not voting.

Mr. Stull moved the Call be raised. The motion prevailed with 43 ayes, 0 nays and 6 not voting.

MOTION–Hiram Scott College

Mr. Carpenter moved that we accept the gift of Hiram Scott, it being understood that such properties be free and clear of all encumberances and I further move that such properties be assigned to the Board of Regents of the University for the purpose of administration with the stipulation that unless otherwise authorized by the Legislature, no degree granting course of instruction shall be offered at such property.

Mr. R. Lewis moved to amend the Carpenter amendment to add the following:

Be it recognized that it is the intent of the Legislature that the University of Nebraska Agricultural Technical School continue to be located at Curtis, Nebraska.

The R. Lewis amendment prevailed with 28 ayes, 0 nays and 21 not voting.

The Carpenter motion, as amended, prevailed with 25 ayes, 9 nays and 15 not voting.

VISITORS

Mr. Skarda introduced the new mayor of Omaha, Mayor Zorinsky. The Mayor addressed the members briefly.

MOTION–Unbracket LB 235 and LB 235A

Mr. Chambers moved to unbracket LB 235 and LB 235A on Final Reading.

Mr. Chambers moved for a Call of the House. The motion prevailed 28 ayes, 2 nays and 19 not voting.

The Call showed 45 members present.

Mr. Chambers moved the Call be raised. The motion prevailed with 31 ayes, 0 nays and 18 not voting.

The Chambers motion prevailed with 25 ayes, 8 nays and 16 not voting.

MOTION—Unbracket Final Reading

Mr. Simpson moved to unbracket and read all bills on Final Reading unless the introducer requests his bill be passed over. The motion lost with 10 ayes, 17 nays and 22 not voting.

APPRECIATION

Mr. Kime expressed his appreciation and thanks to the members while his wife was in the hospital.

UNANIMOUS CONSENT—Member Excused

Mr. F. Carstens asked unanimous consent to be excused until noon. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 235.

A BILL FOR AN ACT to amend section 43-512, Revised Statutes Supplement, 1972, relating to assistance for dependent children; to eliminate maximum monthly payments; to define terms; to provide how assistance shall be computed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Mr. Schmit moved for a Call of the House. The motion prevailed with 25 ayes, 9 nays and 15 not voting.

The Call showed 45 members present.

Mr. Carpenter requested a roll call vote.

Voting in the affirmative, 24:

Anderson Barnett Burbach Carpenter Cavanaugh
Chambers DeCamp Duis Fellman Fowler
Kelly Keyes F. Lewis Luedtke Mahoney
Marsh Moylan Proud Savage Schmit
Simpson Skarda Stahmer Syas

Voting in the negative, 20:

C. Carsten Dickinson Epke Goodrich Hasebroock
Johnson Kennedy Kime Kremer R. Lewis
Maresh Marvel Murphy Rasmussen Snyder
Stromer Stull Warner Whitney Wiltse

Not voting, 5:

F. Carstens Clark Nore Richendifer Waldron

Having failed to receive a constitutional majority voting in the affirmative, the bill failed of passage.

Mr. Stromer moved the Call be raised. The motion prevailed with 33 ayes, 2 nays and 14 not voting.

LEGISLATIVE BILL 235A.

A BILL FOR AN ACT to appropriate three million three hundred thousand dollars from the state General Fund and four million five hundred thirty-one thousand dollars from federal funds for the period of July 1, 1973 to June 30, 1974, to the Department of Public Welfare, Agency No. 26 for Program 341, Public Assistance, to aid in carrying out the provisions of Legislative Bill 235, Eighty-third Legislature, First Session, 1973.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 22:

Anderson Barnett Carpenter Cavanaugh Chambers
Duis Fellman Fowler Kelly Keyes
F. Lewis Luedtke Mahoney Marsh Moylan
Proud Savage Schmit Simpson Skarda
Stahmer Syas

Voting in the negative, 22:

Burbach C. Carsten Dickinson Epke Goodrich
Hasebroock Johnson Kennedy Kime Kremer
R. Lewis Maresh Marvel Murphy Nore
Rasmussen Snyder Stromer Stull Warner
Whitney Wiltse

Not voting, 5:

F. Carstens	Clark	DeCamp	Richendifer	Waldron

Having failed to receive a constitutional majority voting in the affirmative, the bill failed of passage.

MOTION—Peru State College

Mr. Carpenter moved that the Legislature direct the Appropriations Committee and staff, together with the Board of Trustees of State Colleges, to study the Peru State College in regard to the future role of the College and to report to the Legislature by January 1, 1974.

Mr. Wiltse moved to amend the Carpenter motion that State Senators be included on the Committee that represent the districts in which there is a State College. The amendment prevailed.

Mr. Carpenter moved to amend the motion to include Senator Wiltse. The amendment prevailed.

The Carpenter motion as amended prevailed with 31 ayes, 0 nays and 18 not voting.

MOTION—Study by Appropriations Committee

Mr. Carpenter moved to direct the Appropriations Committee and staff, together with the University of Nebraska to engage in a study of the continued and future use of the Curtis and Hiram Scott College facilities and report to the Legislature by January 1, 1974 and the state Senators be included on the Committee that represent the district in which there is a State College.

The motion prevailed with 33 ayes, 0 nays and 16 not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 89.

Introduced by Fowler, 27th District; Anderson, 37th District; Barnett, 26th District; Burbach, 19th District; Carpenter, 48th District; C. Carsten, 2nd District; F. Carstens, 30th District; Cavanaugh, 9th District; Chambers, 11th District; Clark, 47th District; DeCamp, 40th District; Dickinson, 31st District; Duis, 39th District; Epke, 24th District; Fellman, 4th District; Goodrich, 20th District; Hasebroock, 18th District; Johnson, 15th District; Kelly, 35th District; Kennedy, 21st District; Keyes, 3rd

District; Kremer, 34th District; R. Lewis, 38th District; Luedtke, 28th District; Mahoney, 5th District; Maresh, 32nd District; Marsh, 29th District; Marvel, 33rd District; Moylan, 6th District; Murphy, 17th District; Nore, 22nd District; Rasmussen, 41st District; Richendifer, 16th District; Savage, 10th District; Schmit, 23rd District; Simpson, 46th District; Skarda, 7th District; Stahmer, 8th District; Stromer, 36th District; Stull, 49th District; Syas, 13th District; Waldron, 42nd District; Warner, 25th District; Whitney, 44th District; Wiltse, 1st District;

WHEREAS, Professor Donald Lentz will retire at the end of the current semester as Director of Bands at the University of Nebraska at Lincoln after 35 years of service to the University and this state; and

WHEREAS, Professor Lentz has brought a great deal of honor to himself and reflected honor on this state through his accomplishments as a composer, author and authority on band music and oriental music forms; and

WHEREAS, Professor Lentz was the creator of band day which became popular and is still observed at hundreds of schools across the nation; and

WHEREAS, Professor Lentz has taken bands to every major post-season bowl in the nation; and

WHEREAS, Professor Lentz's half-time shows and band concerts have added immeasurably to the happiness and well-being of millions of persons during his career.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE, FIRST SESSION:

1. That Professor Donald Lentz be and is hereby commended for all that he has accomplished in his 35 years at the University of Nebraska and the respect and admiration of the citizens of this state be and are hereby conveyed by this Legislature with best wishes for many happy years to come.

LEGISLATIVE RESOLUTION 90.

Introduced by Duis, 39th District.

WHEREAS, extensive flooding has and is occurring throughout numerous areas in the Platte River system in Nebraska to the detriment of riparian owners and the public; and

WHEREAS, the Federal government and members of Nebraska's Congressional delegation should be formally notified of Nebraska's deep concern for the welfare and safety of those individuals and for the preservation and restoration of those areas inundated by such waters; and

WHEREAS, the Legislature desires that every effort be made to restore with utmost dispatch those areas which sustained severe damage and loss due to the excessive flow of the Platte River; and

WHEREAS, the counties of Dawson and Lincoln experienced flood waters which did untold damage; and

WHEREAS, it is vital that those persons and areas experiencing a natural disaster be provided with all available assistance.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Governor is requested to urge the President of the United States to declare Dawson and Lincoln Counties in Nebraska disaster areas, if such areas qualify under existing Federal laws, as a result of the Platte River Flood.
2. That a copy of this resolution be sent to the President of the United States and each member of Nebraska's Washington delegation.

Mr. Duis moved to suspend the Rules to consider and adopt LR 90. The motion prevailed with 30 ayes, 0 nays and 19 not voting.

RECESS

At 12:04 p.m., on a motion by Mr. Stull, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:33 p.m., President Marsh presiding.

The roll was called and all members were present except Messrs. Clark and Waldron who were excused; Mr. Kime who was excused until he arrives; Mr. Schmit who was absent until 2:00 p.m.

MOTION—Suspend Rules

Mr. Carpenter moved to suspend the rules to read the bracketed bills on Final Reading, namely LB 365 thru LB 587. The motion prevailed with 26 ayes, 0 nays and 23 not voting.

Mr. Goodrich moved to suspend the rules to take up Final Reading beginning with LB 365. The motion prevailed with 35 ayes, 0 nays and 14 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 365.

A BILL FOR AN ACT to amend sections 60-509 and 60-534, Reissue Revised Statutes of Nebraska, 1943, and section 60-501, Revised Statutes

Supplement, 1972, relating to the Motor Vehicle Safety Responsibility Act; to change the definition of proof of financial responsibility; to increase the minimum limits of motor vehicle liability insurance coverage; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Anderson
Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
Dickinson
Epke
Fellman
Fowler
Goodrich
Hasebroock
Johnson
Kelly
Kennedy
Keyes
Kremer
F. Lewis
R. Lewis
Luedtke
Mahoney
Maresh
Marsh
Marvel
Moylan
Nore
Proud
Rasmussen
Savage
Simpson
Skarda
Snyder
Stahmer
Stromer
Stull
Syas
Warner
Whitney
Wiltse

Voting in the negative, 0.

Not voting, 8:

Clark
DeCamp
Duis
Kime
Murphy
Richendifer
Schmit
Waldron

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 366. With Emergency.

A BILL FOR AN ACT to amend sections 53-117 and 53-175, Reissue Revised Statutes of Nebraska, 1943, and section 53-103, Revised Statutes Supplement, 1972, relating to alcoholic liquors; to define terms; to provide additional power for the Nebraska Liquor Control Commission; to prohibit purchases except as prescribed; to prohibit sales below cost; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 33:

Anderson Barnett Burbach Carpenter C. Carsten
F. Carstens Cavanaugh Chambers DeCamp Dickinson
Duis Epke Goodrich Hasebroock Johnson
Kelly Kennedy Keyes F. Lewis R. Lewis
Luedtke Mahoney Marsh Marvel Moylan
Murphy Nore Rasmussen Simpson Skarda
Stahmer Stull Warner

Voting in the negative, 9:

Fellman Fowler Maresh Proud Savage
Snyder Stromer Syas Whitney

Not voting, 7:

Clark Kime Kremer Richendifer Schmit
Waldron Wiltse

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 111. With Emergency.

A BILL FOR AN ACT to amend sections 53-123.04, 53-124, 53-124.03, and 53-160.08, Reissue Revised Statutes of Nebraska, 1943, and sections 53-103, 53-112, 53-125, and 53-164.01, Revised Statutes Supplement, 1972, relating to alcoholic liquors; to define and redefine terms; to eliminate the membership list requirement for bottle clubs; to provide a salary increase; to change a fee; to eliminate a restriction; to provide a class of persons ineligible for a license; to restrict shipper's permits to manufacturers; to prohibit certain sales; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Anderson Barnett Burbach Carpenter C. Carsten
F. Carstens Cavanaugh Chambers DeCamp Duis
Fellman Fowler Goodrich Hasebroock Johnson
Kelly Kennedy Keyes Kremer R. Lewis
Luedtke Mahoney Maresh Marsh Marvel
Moylan Nore Proud Rasmussen Savage
Schmit Simpson Skarda Stahmer Stromer
Stull Warner Wiltse

Voting in the negative, 2:

Snyder Syas

Not voting, 9:

Clark Dickinson Epke Kime F. Lewis
Murphy Richendifer Waldron Whitney

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 378.

A BILL FOR AN ACT to amend section 81-217.13, Reissue Revised Statutes of Nebraska, 1943, relating to the Department of Agriculture; to provide certain requirements with respect to the sale of certain foods containing binders, blenders, or extenders; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Burbach C. Carsten F. Carstens Chambers DeCamp
Dickinson Fellman Fowler Goodrich Hasebroock
Johnson Kennedy Keyes Kremer R. Lewis
Luedtke Mahoney Maresh Marsh Moylan
Murphy Nore Rasmussen Savage Schmit
Skarda Snyder Stahmer Stromer Stull
Syas Warner Whitney Wiltse

Voting in the negative, 4:

Anderson Barnett Kelly Simpson

Not voting, 11:

Carpenter Cavanaugh Clark Duis Epke
Kime F. Lewis Marvel Proud Richendifer
Waldron

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 526

A BILL FOR AN ACT to amend sections 77-2730, 77-2733, 77-2769, and 77-27,119, Reissue Revised Statutes of Nebraska, 1943, and sections 77-2715 and 77-2734, Revised Statutes Supplement, 1972, relating to taxation; to correct internal references; to clarify provisions; to provide for resident estates or trusts; to provide for electing small business corporations; to provide for estimated tax of corporations; to provide for credits; to provide for mandatory examinations; to provide for the use of tax information; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Anderson	Barnett	Burbach	C. Carsten	F. Carstens
Cavanaugh	DeCamp	Duis	Epke	Fowler
Goodrich	Johnson	Kelly	Kennedy	Keyes
Kremer	R. Lewis	Luedtke	Mahoney	Maresh
Marsh	Murphy	Nore	Proud	Rasmussen
Savage	Schmit	Simpson	Skarda	Snyder
Stahmer	Stromer	Stull	Syas	Warner
Wiltse				

Voting in the negative, 0.

Not voting, 13:

Carpenter	Chambers	Clark	Dickinson	Fellman
Hasebroock	Kime	F. Lewis	Marvel	Moylan
Richendifer	Waldron	Whitney		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 529

A BILL FOR AN ACT to amend sections 77-2702, 77-2703, 77-2708, 77-2711, and 77-2715.01, Reissue Revised Statutes of Nebraska, 1943, section 77-2704, Revised Statutes Supplement, 1972, and section 77-2712, Reissue Revised Statutes of Nebraska, 1943, as amended by section 11, Legislative Bill 224, Eighty-third Legislature, First Session, 1973, relating to taxation; to define and redefine terms; to clarify provisions; to make a bond permissive; to change exemption provisions; to permit extensions of time; to provide for interest; to provide for administration; to make certain acts unlawful; to provide an exception; to change the formula for setting of tax rates; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	DeCamp	Duis	Epke
Fellman	Fowler	Goodrich	Hasebroock	Kelly
Kennedy	Keyes	Kremer	F. Lewis	R. Lewis
Luedtke	Mahoney	Maresh	Marsh	Moylan
Murphy	Nore	Proud	Rasmussen	Savage
Schmit	Simpson	Skarda	Snyder	Stahmer
Stromer	Stull	Syas	Warner	Wiltse

Voting in the negative, 0.

Not voting, 9:

Chambers	Clark	Dickinson	Johnson	Kime
Marvel	Richendifer	Waldron	Whitney	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 10.

A BILL FOR AN ACT to amend section 77-2715.01, Reissue Revised Statutes of Nebraska, 1943, as amended by section 7, Legislative Bill 529, Eighty-third Legislature, First Session, 1973, relating to taxation; to set the individual income tax rate for 1973; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 32:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	DeCamp	Duis	Epke
Fellman	Johnson	Kelly	Kremer	F. Lewis
Luedtke	Marsh	Marvel	Murphy	Proud

Rasmussen Savage Schmit Simpson Skarda
Stahmer Stromer Stull Syas Warner
Whitney Wiltse

Voting in the negative, 10:

Fowler Goodrich Hasebroock Kennedy Keyes
R. Lewis Mahoney Maresh Moylan Nore

Not voting, 7:

Chambers Clark Dickinson Kime Richendifer
Snyder Waldron

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 530.

A BILL FOR AN ACT to amend section 77-202.03, Reissue Revised Statutes of Nebraska, 1943, and section 77-1301.07, Revised Statutes Supplement, 1972, relating to taxation; to require annual publication of a list of tax-exempt real property; to provide an alternative method for county wide reappraisals; to provide for appeals; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Anderson Barnett Burbach Carpenter C. Carsten
F. Carstens Cavanaugh DeCamp Dickinson Duis
Epke Fellman Fowler Goodrich Hasebroock
Johnson Kelly Kennedy Keyes Kremer
R. Lewis Luedtke Mahoney Maresh Marsh
Moylan Murphy Nore Proud Rasmussen
Savage Schmit Simpson Skarda Stahmer
Stromer Stull Syas Warner Whitney
Wiltse

Voting in the negative, 0.

Not voting, 8:

Chambers Clark Kime F. Lewis Marvel
Richendifer Snyder Waldron

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 587. With Emergency.

A BILL FOR AN ACT relating to suppliers of energy; to define terms; to regulate and control the sale and distribution of energy sources as prescribed; to provide for enforcement and administration; to provide penalties; to provide severability; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Mr.Carpenter requested a roll call vote.

Voting in the affirmative, 30:

Anderson	Barnett	Burbach	Carpenter	Cavanaugh
Chambers	DeCamp	Duis	Fellman	Fowler
Goodrich	Johnson	Kremer	F. Lewis	Luedtke
Mahoney	Marsh	Marvel	Murphy	Nore
Rasmussen	Savage	Schmit	Simpson	Skarda
Stromer	Syas	Warner	Whitney	Wiltse

Voting in the negative, 14:

C. Carsten	F. Carstens	Dickinson	Hasebroock	Kelly
Kennedy	Keyes	R. Lewis	Maresh	Moylan
Proud	Snyder	Stahmer	Stull	

Not voting, 5:

Clark	Epke	Kime	Richendifer	Waldron

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed with the emergency clause attached, the question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 27:

Anderson	Barnett	Burbach	Carpenter	Cavanaugh
Chambers	DeCamp	Fellman	Fowler	Goodrich
Johnson	Kremer	F. Lewis	Luedtke	Mahoney
Marsh	Marvel	Murphy	Nore	Rasmussen
Savage	Schmit	Simpson	Skarda	Stromer
Warner	Wiltse			

Voting in the negative, 14:

C. Carsten	F. Carstens	Dickinson	Duis	Hasebroock
Kelly	Kennedy	R. Lewis	Maresh	Moylan
Proud	Snyder	Stahmer	Stull	

Not voting, 8:

Clark	Epke	Keyes	Kime	Richendifer
Syas	Waldron	Whitney		

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

EXPLANATION OF VOTE

Had I been present on June 1, 1973, I would have voted "aye" for LB 365, LB 366e, LB 378 and LB 111.

(Signed) J. James Waldron

MOTION—Reconsider Action on LB 472

Mr. Carpenter moved to reconsider action on LB 472 of this morning. The motion prevailed with 29 ayes, 12 nays and 8 not voting.

MOTION—Override Veto

Mr. Carpenter moved to override the Governor's veto on LB 472.

Mr. Carpenter requested a roll call vote.

Mr. Carpenter moved to have a Call of the House. The motion prevailed with 30 ayes, 8 nays and 11 not voting.

The question is, "Shall LB 472 be passed notwithstanding the objections of the Governor?"

Voting in the affirmative, 29:

Barnett	Burbach	Carpenter	C. Carsten	F. Carstens
DeCamp	Dickinson	Duis	Epke	Fowler
Hasebroock	Johnson	Kelly	Keyes	Kremer
R. Lewis	Luedtke	Marsh	Marvel	Murphy
Nore	Proud	Rasmussen	Schmit	Simpson
Stromer	Stull	Warner	Wiltse	

Voting in the negative, 16:

Anderson	Cavanaugh	Chambers	Fellman	Goodrich
Kennedy	F. Lewis	Mahoney	Maresh	Moylan
Savage	Skarda	Snyder	Stahmer	Syas
Whitney				

Not voting, 4:

Clark	Kime	Richendifer	Waldron

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

MOTION—Reconsider Action on LB 256

Mr. Luedtke moved to reconsider action on LB 256 of this morning.

Mr. Luedtke requested a roll call vote.

Voting in the affirmative, 26:

Barnett	Burbach	C. Carsten	F. Carstens	Cavanaugh
Chambers	DeCamp	Duis	Epke	Fowler
Goodrich	Johnson	Kelly	Kremer	Luedtke
Mahoney	Marsh	Marvel	Nore	Savage
Schmit	Simpson	Snyder	Stull	Syas
Warner				

Voting in the negative, 14:

Anderson	Dickinson	Fellman	Kennedy	F. Lewis
Maresh	Moylan	Murphy	Proud	Rasmussen
Skarda	Stahmer	Stromer	Whitney	

Not voting, 9:

Carpenter	Clark	Hasebroock	Keyes	Kime
R. Lewis	Richendifer	Waldron	Wiltse	

The motion prevailed with 26 ayes, 14 nays and 9 not voting.

MOTION—Override Veto on LB 256

Mr. Luedtke moved to override the Governor's line item veto of LB 256.

The question is, "Shall LB 256 pass notwithstanding the line item objections of the Governor?"

Voting in the affirmative, 26:

Barnett
Burbach
Carpenter
C. Carsten
F. Carstens
Cavanaugh
Chambers
Duis
Epke
Fowler
Goodrich
Johnson
Kelly
Kremer
Luedtke
Mahoney
Marsh
Marvel
Nore
Savage
Schmit
Simpson
Snyder
Stull
Syas
Warner

Voting in the negative, 16:

Anderson
Dickinson
Fellman
Kennedy
Keyes
R. Lewis
Maresh
Moylan
Murphy
Proud
Rasmussen
Skarda
Stahmer
Stromer
Whitney
Wiltse

Not voting, 7:

Clark
DeCamp
Hasebroock
Kime
F. Lewis
Richendifer
Waldron

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

MOTION—LB 114 on Final Reading

Mr. Carpenter moved to read LB 114 on Final Reading. The motion prevailed with 38 ayes, 1 nay and 10 not voting.

Mr. Barnett moved the Call be raised. The motion prevailed with 37 ayes, 0 nays and 12 not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 114. With Emergency.

A BILL FOR AN ACT to amend sections 77-202.12, 77-202.13, 77-202.15, 77-202.16, and 77-202.18, Revised Statutes Supplement, 1972, and section 77-202.03, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 530, Eighty-third Legislature, First Session, 1973, relating to homestead exemptions; to correct a faulty internal reference; to provide for review of exemptions; to eliminate a requirement for annual claims of exemption; to change exemptions; to change an evidence requirement; to change the filing date; to provide for transition; to provide and change procedures; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Anderson	Barnett	Burbach	Carpenter	C. Carsten
F. Carstens	Cavanaugh	Chambers	DeCamp	Dickinson
Duis	Epke	Fellman	Fowler	Goodrich
Hasebroock	Johnson	Kelly	Kennedy	Keyes
Kime	Kremer	F. Lewis	R. Lewis	Luedtke
Mahoney	Maresh	Marsh	Marvel	Moylan
Murphy	Nore	Proud	Rasmussen	Savage
Schmit	Simpson	Skarda	Snyder	Stahmer
Stull	Syas	Warner	Wiltse	

Voting in the negative, 1:

Whitney

Not voting, 4:

Clark	Richendifer	Stromer	Waldron

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION–LB 162 and LB 162A

Mr. Luedtke moved to read LB 162 and LB 162A on Final Reading. The motion lost with 19 ayes, 12 nays and 18 not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 365, 366, 111, 378, 526, 529, 10, 530, 587 and 114.

(Signed) John J. Cavanaugh, Chairman

PRESIDENT SIGNS

While the Legislature was in session and capable of transacting business, the President signed the following: LB 365, LB 366, LB 111, LB 378, LB 526, LB 529, LB 10, LB 530, LB 587 and LB 114.

UNANIMOUS CONSENT—Member Excused

Mr. Snyder asked unanimous consent to be excused the remainder of the day. No objections. So ordered.

MOTION—Instruct Board of Regents

Mr. Goodrich moved that the Board of Regents of the University of Nebraska be directed to proceed as expeditiously as possible to implement on the Lincoln campus its proposal entitled "New Career Ladder Programs in Nursing Education at Lincoln, Nebraska", utilizing, such funds as may be available from State, Federal or private sources, and that all agencies of state government cooperate in rendering any requested assistance in such implementation, particularly in assisting in the obtaining of any federal funds available for such proposal.

Mr. Carpenter moved the previous question. The question is, "Shall the debate now cease?" The motion prevailed with 26 ayes, 1 nay and 22 not voting.

The motion lost with 4 ayes, 19 nays and 26 not voting.

MOTION—Reconsider Action

Mr. F. Carstens moved to reconsider action on Final Reading of LB 235 and LB 235A of this morning.

Mr. F. Carstens moved for a Call of the House. The motion prevailed with 22 ayes, 11 nays and 16 not voting.

The Call showed 44 members present.

Mr. F. Carstens requested a roll call vote.

Voting in the affirmative, 23:

Anderson	Barnett	Burbach	F. Carstens	Cavanaugh
Chambers	Duis	Fellman	Fowler	Kelly
Keyes	F. Lewis	Luedtke	Mahoney	Marsh
Moylan	Proud	Savage	Schmit	Simpson
Skarda	Stahmer	Syas		

Voting in the negative, 15:

C. Carsten Dickinson Epke Goodrich Hasebroock
Johnson Kennedy Kime Kremer Maresh
Marvel Murphy Rasmussen Stromer Warner

Not voting, 11:

Carpenter Clark DeCamp R. Lewis Nore
Richendifer Snyder Stull Waldron Whitney
Wiltse

The motion lost with 23 ayes, 15 nays and 11 not voting.

Mr. F. Carstens moved the Call be raised. The motion prevailed with 36 ayes, 0 nays and 13 not voting.

NOTICE FOR THE LEGISLATIVE JOURNAL

Since Legislative Resolution No. 6 was previously assigned to the Committee on Agriculture and Environment, and was given a public hearing by that committee on January 18, 1973, it is now being withdrawn as a study resolution.

(Signed) Terry Carpenter, Chairman
Legislative Council
Executive Board

MOTION–Override Veto on LB 236

Mr. Goodrich moved to override the Governor's veto on LB 236.

The question is, "Shall the bill be passed notwithstanding the objections of the Governor?"

Voting in the affirmative, 3:

Dickinson Goodrich Stromer

Voting in the negative, 25:

Anderson Barnett Carpenter F. Carstens Cavanaugh
DeCamp Fellman Fowler Hasebroock Johnson
Kelly Kennedy Kime Kremer Mahoney
Maresh Moylan Murphy Nore Rasmussen
Savage Simpson Skarda Stull Whitney

Not voting, 21:

Burbach
C. Carsten
Chambers
Clark
Duis
Epke
Keyes
F. Lewis
R. Lewis
Luedtke
Marsh
Marvel
Proud
Richendifer
Schmit
Snyder
Stahmer
Syas
Waldron
Warner
Wiltse

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

PRESENTED TO THE GOVERNOR

Presented to the Governor for approval on June 1, 1973 at 3:25 p.m.: LB 365, LB 366, LB 111, LB 378, LB 526, LB 529, LB 10, LB 530, LB 587 and LB 114.

(Signed) Barbara Jackson, Enrolling Clerk

MOTION—Standing Committee Records

Mr. Hasebroock moved that the chairman of each standing committee be directed to file with the Clerk of the Legislature all bills and committee records. The motion prevailed with 30 ayes, 0 nays and 19 not voting.

MOTION—Advise Governor

Mr. Kremer moved that a committee of five be appointed to advise the Governor that the Eighty-third Legislature, First Session of the Nebraska State Legislature is about to complete its work, and to return with any message the Governor may have for the Legislature. The motion prevailed with 28 ayes, 0 nays and 21 not voting.

The Chair appointed Mrs. Marsh, Messrs. Schmit, Kelly, Johnson and Epke to serve on said Committee.

The Committee escorted Governor Exon to the rostrum, where he delivered the following message:

Mr. President, Mr. Speaker and Members of the Legislature.

It's a real pleasure, more than you realize, to accept your invitation to speak briefly before your adjournment. I feel like a man who has been granted a six month furlough!

Seriously speaking, it is obvious that this has been a tough session for both Legislators and your Governor.

While I have agreed with your actions and signed into law some 350 bills, I have objected at least ten times. That is not a bad record of agreement.

The fact remains that when I have objected, I have not done so timidly. Such is not my nature, because when I take a stand. . . . I take a firm stand and do not apologize to anyone. If thirty of you disagree, as you sometimes do, our built-in checks and balances take over and the bill becomes law. . . . that's what our form of government is all about.

Let me compliment your honorable body for some truly outstanding legislation you have enacted, including, but not limited, to the following:

LB 333--insuring a uniform state pay plan and fairer salaries for the state's dedicated lower paid employees and a companion measure standardizing vacations and employee insurance programs long overdue in Nebraska.

The passage of increased appropriations in state funds for the mentally retarded programs by some 35% and improvements at the Beatrice State Home are worthy accomplishments. We are proceeding with our efforts to convince the Federal Government that they should not reduce their commitment in this area.

Our joint agreement to provide an additional $20 million in aid to education and providing some real property tax relief is commendable, as was your acceptance of increasing retired teacher benefits.

LB 524, expanding the Parole Board, will assist in our continuing efforts in better penal reform policies and programs. The professionals you have authorized here were much needed.

The legislative action in repealing the mandatory sale of school lands was an especially laudable measure and corrected a mistake made many years ago.

Our restoration of limited capital punishment legislation in Nebraska is a sound measure that I believe can withstand possible constitutional questioning.

I congratulate your honorable body for elimination of the "Wyoming Clause" in our environmental control laws.

You recognized the need to crack down on drunken driving convictions by tightening probation.

Now, on the other side of the ledger, I would like to mention the following matters which were not passed and hopefully will receive your favorable attention next session.

Despite statistics which showed higher speeds on the state highway system had contributed to more deaths and serious injuries, you again refused to reduce such nighttime speeds back to 60 M.P.H. There are other measures in this area that we have recommended and would be helpful in arresting this serious problem.

Although I recommended legislation regarding our weak sexual psycopath laws, no bill was passed.

We have additionally recommended a package of bills through the Judiciary Committee for program-oriented further improvements and to further accelerate the administration's penal reform commitments. They need passage next year.

There are other important matters that I will suggest to you in 1974.

In the meantime, regardless of our differences on some key items, I thank you for your efforts on behalf of the people of our Great State of Nebraska. We do enjoy "The Good Life".

God bless you and he willing, we will all meet here again next January to continue deliberations.

The Committee escorted Governor Exon from the Chamber.

MOTION—Sine Die Adjournment

Mr. Proud moved that the Journal for the Ninetieth Day, as prepared by the Clerk, be approved, and that the Eighty-third Legislature, First Session of the Legislature, having finished all business before it, now at 4:09 p.m., we adjourn sine die. The motion prevailed with 28 ayes, 0 nays and 21 not voting.

Vincent D. Brown
Clerk of the Legislature

RECEIVED AFTER ADJOURNMENT

MESSAGES FROM THE GOVERNOR DELIVERED TO THE SECRETARY OF STATE

June 2, 1973

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I am returning herewith LB 366 without my signature and with my objections.

I am returning LB 366 because this legislative action would cause increased retail prices to consumers. Although this bill has merit in some areas, it includes a price-fixing measure.

It is my feeling that the state should limit its involvement in the free enterprise system.

Hopefully, if this measure is resubmitted next year, the objectionable provision will be eliminated or placed in a separate bill to stand on its own merits.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:do

June 2, 1973

The Honorable Allen J. Beermann
Secretary of State
State of Nebraska
Lincoln, Nebraska

Dear Mr. Beermann:

We have received Engrossed Legislative Bills Nos. 365, 111, 378, 526, 10, 530, 587 and 114.

These bills were signed by me on June 2, 1973, and delivered to you herewith.

Pursuant to the Constitution, I am herewith transmitting the bills which I have vetoed along with my objections. The following bills were vetoed by me on June 2, 1973: 366 and 529.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:do
cc: Vince Brown, Clerk of the Legislature

June 2, 1973

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I am returning herewith LB 529 without my signature and with my objections.

It is with a certain amount of reluctance that I have vetoed LB 529. This bill was introduced at my request on behalf of the Department of Revenue. As passed it contains 11 areas of change within our sales tax law which not only we, but your Revenue Committee, felt were needed. Possibly these can be adopted at some future time.

I have vetoed LB 529 because of section 16 which requires the State Board of Equalization and Assessment to consider obligations for two calendar years into the future. The effect of this would be at some time in the future to create large balances in anticipation of large delayed spending programs.

If the state in the future decides to embark on a massive delayed spending program which will mandate tax increases, then the Governor should request and/or the Legislature should pass the necessary tax rates at the time of adopting the program. The alternative route as provided by section 16 of this bill causes a nonresponsible separation of expenditure and taxing procedures.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:do

CERTIFICATE

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that Governor J. James Exon on June 2, 1973, vetoed Legislative Bills 366 and 529.

Further, I hereby certify that under the provisions of Article IV, sec. 15 of the Constitution of the State of Nebraska, Governor J. James Exon delivered to the Secretary of State, Legislative Bills 366 and 529 with his objections to each bill. Said vetoed bills with objections were delivered and filed on June 2, 1973.

Finally, I hereby certify that the attached are exact photocopies of the letter of transmittal and statement of objections to Legislative Bills 366 and 529.

In testimony whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska. Done at Lincoln this second day of June, in the year of our Lord, one thousand nine hundred and seventy-three.

(Signed) Allen J. Beermann
Secretary of State

(SEAL)

OTHER COMMUNICATIONS

June 5, 1973

Hon. Allen Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Secretary:

Inasmuch as the Legislature did not override the line item veto by Governor Exon on LB 256, I am delivering the bill for filing in the form and amounts as approved by the Governor.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

jj

cc: Governor Exon

June 5, 1973

Mr. Vincent D. Brown
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. Brown:

I have received engrossed Legislative Bill 256 from your office along with a copy of Governor J. James Exon's line item veto message dated May 31st.

Legislative Bill 256 will become law as provided in the Constitution according to the form and amounts as approved by the Governor.

Sincerely yours,

(Signed) Allen J. Beerman
Secretary of State

CERTIFICATE

I, Vincent D. Brown, Clerk of the Legislature, hereby certify that the foregoing communications are true and correct copies of letters provided by the Secretary of State concerning gubernatorial action on bills after adjournment of the Eighty-third Legislature, First Session.

(Signed) Vincent D. Brown
Clerk of the Legislature

June 4, 1973
Lincoln, Nebraska

INDEXES *for*

LEGISLATIVE JOURNAL

EIGHTY—THIRD LEGISLATURE

FIRST SESSION

1973

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Compiled by

VINCENT D. BROWN
Clerk of the Legislature

CHRONOLOGY OF BILLS

EIGHTY-THIRD LEGISLATURE
FIRST SESSION
1973

LEGISLATIVE BILL 1 By Judiciary Committee

Jan.	3	Read first time	41
Jan.	3	Placed on General File	53
Jan.	9	Referred for review	106
Jan.	15	Placed on Select File	129
Jan.	16	Referred for engrossment	142
Jan.	17	Replaced on Select File	157
Jan.	18	Referred for engrossment	165
Jan.	19	Correctly engrossed	174
Jan.	24	Final Reading	210
Jan.	25	Correctly enrolled. President signed	221
Jan.	25	Presented to Governor	228
Jan.	26	Approved by Governor	232
Jan.	29	Explanation of Vote	250

LEGISLATIVE BILL 2 By Judiciary Committee

Jan.	3	Read first time	42
Jan.	3	Placed on General File	53
Jan.	9	Referred for review	107
Jan.	15	Placed on Select File	129
Jan.	16	Referred for engrossment	142
Jan.	17	Correctly engrossed	157
Jan.	22	Final Reading	190
Jan.	23	Correctly enrolled. Speaker signed	200
Jan.	24	Presented to Governor	208
Jan.	24	Explanation of vote	213
Jan.	26	Approved by Governor	232
Jan.	29	Explanation of vote	250

LEGISLATIVE BILL 3 By Judiciary Committee

Jan.	3	Read first time	42
Jan.	3	Placed on General File	53
Jan.	9	Referred for review	108
Jan.	15	Placed on Select File	129
Jan.	16	Referred for engrossment	142
Jan.	17	Correctly engrossed	157
Jan.	22	Final Reading	191
Jan.	23	Correctly enrolled. Speaker signed	200

Jan.	24	Presented to Governor	208
Jan.	24	Explanation of vote	213
Jan.	26	Approved by Governor	232
Jan.	29	Explanation of vote	250

LEGISLATIVE BILL 4 By Judiciary Committee

Jan.	3	Read first time	42
Jan.	3	Placed on General File	53
Jan.	9	Referred for review	108
Jan.	15	Placed on Select File	129
Jan.	16	Referred for engrossment	142
Jan.	17	Correctly engrossed	157
Jan.	22	Final Reading	192
Jan.	23	Correctly enrolled. Speaker signed	200
Jan.	24	Presented to Governor	208
Jan.	24	Explanation of Vote	213
Jan.	26	Approved by Governor	232
Jan.	29	Explanation of vote	250

LEGISLATIVE BILL 5 By Judiciary Committee

Jan.	3	Read first time	42
Jan.	3	Placed on General File	53
Jan.	9	Laid over	108
Jan.	10	Bracketed	120
Jan.	16	Motion	145
Jan.	17	Referred to Committee on Public Health and Welfare	156
Feb.	2	Notice of hearing	313
Feb.	27	Placed on General File	619
Mar.	23	Referred for review	918
Mar.	27	Placed on Select File	956
Mar.	28	Referred for engrossment	996
Mar.	29	Correctly engrossed	1016
Apr.	4	Final Reading	1095
Apr.	5	Correctly enrolled. President signed	1117
Apr.	9	Presented to Governor	1155
Apr.	9	Approved by Governor	1176

LEGISLATIVE BILL 6 By Judiciary Committee

Jan.	3	Read first time	42
Jan.	3	Placed on General File	53
Jan.	9	Referred for review	108
Jan.	15	Placed on Select File	129
Jan.	16	Referred for engrossment	142

Jan.	17	Correctly engrossed	157
Jan.	22	Final Reading	192
Jan.	23	Correctly enrolled. Speaker signed	200
Jan.	24	Presented to Governor	208
Jan.	26	Approved by Governor	232
Jan.	29	Explanation of vote	250

LEGISLATIVE BILL 7 By Judiciary Committee

Jan.	3	Read first time	42
Jan.	3	Placed on General File	53
Jan.	9	Laid over	109
Jan.	10	Bracketed	120
Jan.	16	Motion	145
Jan.	17	Referred to Committee on Government, Military and Veteran's Affairs	157
Feb.	14	Notice of hearing	439
Mar.	23	Placed on General File	925
Apr.	9	Bracketed	1181

LEGISLATIVE BILL 8 By Judiciary Committee

Jan.	3	Read first time	43
Jan.	3	Referred to Committee on Judiciary	53
Feb.	8	Notice of hearing	370

LEGISLATIVE BILL 9 By Stromer

Jan.	3	Read first time	43
Jan.	3	Referred to Committee on Constitutional Revision and Recreation	53
Jan.	4	Notice of hearing	63
Jan.	23	Placed on General File	203
Jan.	25	Bracketed	227
Jan.	30	Motion. Motion lost. Referred for review	267
Jan.	30	Explanation of vote	270
Feb.	1	Placed on Select File	287
Feb.	2	Referred for engrossment	314
Feb.	5	Correctly engrossed	326
Feb.	7	Final Reading	352
Feb.	12	Motion. Motion pending	403
Feb.	19	Motion renewed. Motion lost	485

LEGISLATIVE BILL 10 By Stahmer

Jan.	3	Read first time	43
Jan.	3	Referred to Committee on Education	53

Jan.	9	Notice of hearing	110
Jan.	18	Placed on General File	166
Jan.	22	Referred for review	197
Jan.	24	Placed on Select File	208
Jan.	25	Bracketed	223
May	24	Unbracketed. Referred for engrossment	1860
May	24	Motion. Motion lost	1863
May	24	Correctly engrossed	1888
June	1	Final Reading	1959
June	1	Correctly enrolled	1965
June	1	President signed	1966
June	1	Presented to Governor	1968
June	2	Approved by Governor	1971

LEGISLATIVE BILL 11 By Proud

Jan.	3	Read first time	43
Jan.	3	Referred to Committee on Public Works	53
Jan.	8	Notice of hearing	90
Jan.	18	Notice of hearing. Reset	163
Mar.	26	Indefinitely postponed	936

LEGISLATIVE BILL 12 By Chambers

Jan.	3	Read first time	43
Jan.	3	Referred to Committee on Government, Military and Veteran's Affairs	53
Jan.	10	Notice of hearing	120
Jan.	29	Placed on General File	249
Jan.	31	Motion. Motion lost. Motion. Motion lost. Referred for review	281
Feb.	1	Explanation of vote	292
Feb.	2	Placed on Select File	314
Feb.	5	Referred for engrossment	330
Feb.	7	Correctly engrossed	348
Feb.	12	Laid over	399
Feb.	13	Request. Final Reading	416
Feb.	14	Correctly enrolled. President signed	437
Feb.	15	Presented to Governor	449
Feb.	20	Motion	496
Feb.	20	Motion	498
Feb.	20	Motion. Replaced on Select File. Referred for re-engrossment	499
Feb.	20	Replaced on Select File	509
Feb.	21	Referred for re-engrossment	525
Feb.	22	Correctly re-engrossed	540
Feb.	27	Final Reading	596

Feb.	28	Correctly enrolled	623
Feb.	28	Speaker signed	633
Mar.	1	Presented to Governor	638
Mar.	6	Motion	692
Mar.	6	Motion. Replaced on Select file. Referred for re-engrossment	694
Mar.	7	Replaced on Select File	703
Mar.	8	Referred for re-engrossment. Request	734
Mar.	8	Correctly re-engrossed	737
Mar.	13	Motion. Final Reading	777

LEGISLATIVE BILL 13 By Schmit

Jan.	3	Read first time	44
Jan.	3	Referred to Committee on Government, Military and Veteran's Affairs	53
Jan.	10	Notice of hearing	120
Feb.	8	Placed on General File	368
Feb.	13	Referred for review	420
Feb.	15	Placed on Select File	449
Feb.	16	Referred for engrossment	466
Feb.	19	Correctly engrossed	476
Mar.	12	Final Reading	753
Mar.	13	Correctly enrolled. President signed	772
Mar.	14	Presented to Governor	790
Mar.	20	Returned by Governor without approval	861
Mar.	21	Motion. Passed over Governor's veto	883
Mar.	21	Delivered to Secretary of State	895
Mar.	22	Letter	898

LEGISLATIVE BILL 13A By Schmit

Feb.	27	Read first time. Placed on General File	603
Feb.	28	Referred for review	634
Mar.	1	Placed on Select File	639
Mar.	2	Referred for engrossment	660
Mar.	6	Correctly engrossed	692
Mar.	12	Final Reading	754
Mar.	13	Correctly enrolled. President signed	772
Mar.	14	Presented to Governor	790
Mar.	20	Returned by Governor without approval	861
Mar.	21	Motion. Passed over Governor's veto	883
Mar.	21	Delivered to Secretary of State	895
Mar.	22	Letter	898

LEGISLATIVE BILL 14 By Schmit

Jan.	3	Read first time	44
Jan.	3	Referred to Committee on Judiciary	53
Jan.	9	Notice of hearing	110
Jan.	31	Placed on General File	282
Feb.	5	Referred for review	332
Feb.	7	Placed on Select File	348
Feb.	8	Referred for engrossment	368
Feb.	12	Correctly engrossed	397
Feb.	27	Final Reading	596
Feb.	28	Correctly enrolled	623
Feb.	28	Speaker signed	633
Mar.	1	Presented to Governor	638
Mar.	7	Returned by Governor without approval	714
Mar.	12	Attorney General Opinion	741
Mar.	13	Motion. Passed over Governor's veto	781
Mar.	15	Delivered to the Secretary of State	804
Mar.	16	Letter	824

LEGISLATIVE BILL 14A By Schmit

Feb.	14	Read first time. Placed on General File	439
Feb.	16	Referred for review	470
Feb.	20	Placed on Select File	491
Feb.	21	Referred for engrossment	526
Feb.	22	Correctly engrossed	540
Feb.	27	Final Reading	597
Feb.	28	Correctly enrolled	623
Feb.	28	Speaker signed	633
Mar.	1	Presented to Governor	638
Mar.	7	Returned by Governor without approval	714
Mar.	13	Motion. Passed over Governor's veto	781
Mar.	15	Delivered to Secretary of State	805
Mar.	16	Letter	824

LEGISLATIVE BILL 15 By F. Carstens

Jan.	3	Read first time	44
Jan.	3	Referred to Committee on Revenue	53
Jan.	8	Notice of hearing	100
Jan.	17	Placed on General File	160
Jan.	18	Referred for review	168
Jan.	22	Placed on Select File	189
Jan.	23	Referred for engrossment	203
Jan.	24	Correctly engrossed	209
Jan.	29	Final Reading	242

Jan. 30	Correctly enrolled. President signed	256
Jan. 31	Presented to Governor	273
Feb. 6	Approved by Governor	342

LEGISLATIVE BILL 16 By F. Carstens

Jan. 3	Read first time	44
Jan. 3	Referred to Committee on Revenue	53
Jan. 8	Notice of hearing	100
Jan. 17	Placed on General File	160
Jan. 18	Referred for review	168
Jan. 22	Placed on Select File	189
Jan. 23	Referred for engrossment	204
Jan. 24	Correctly engrossed	209
Jan. 29	Final Reading	242
Jan. 30	Correctly enrolled. President signed	256
Jan. 31	Presented to Governor	273
Feb. 6	Approved by Governor	342

LEGISLATIVE BILL 17 By Burbach

Jan. 3	Read first time	44
Jan. 3	Referred to Committee on Agriculture and Environment	53
Feb. 14	Notice of hearing	442
Mar. 27	Placed on General File	966
Mar. 28	Referred for review	1001
Apr. 4	Placed on Select File	1092
Apr. 5	Referred for engrossment	1132
Apr. 10	Replaced on Select File	1183
Apr. 11	Referred for engrossment	1213
Apr. 12	Motion. Replaced on Select File	1235
Apr. 12	Referred for engrossment	1236
Apr. 12	Replaced on Select File	1255
Apr. 12	Referred for engrossment	1258
Apr. 17	Correctly engrossed	1295

LEGISLATIVE BILL 17A By Burbach

Apr. 9	Read first time. Placed on General File	1156
Apr. 10	Referred for review	1201
Apr. 12	Placed on Select File	1226
Apr. 12	Referred for engrossment	1257
Apr. 17	Correctly engrossed	1295

LEGISLATIVE BILL 18 By Interim Study Committee

Jan.	3	Read first time	44
Jan.	3	Referred to Committee on Revenue	53
Jan.	10	Notice of hearing	115
Jan.	30	Indefinitely postponed	261
Feb.	2	Motion. Motion pending	323

LEGISLATIVE BILL 19 By Interim Study Committee

Jan.	3	Read first time	44
Jan.	3	Referred to Committee on Revenue	53
Jan.	10	Notice of hearing	115
Jan.	30	Placed on General File	261
Feb.	2	Referred for review	318
Feb.	6	Placed on Select File	337
Feb.	7	Referred for engrossment	350
Feb.	7	Attorney General Opinion	361
Feb.	9	Correctly engrossed	385
Feb.	14	Final Reading	427
Feb.	15	Correctly enrolled. President signed	449
Feb.	16	Presented to Governor	468
Feb.	19	Approved by Governor	474

LEGISLATIVE BILL 20 By Whitney

Jan.	3	Read first time	45
Jan.	3	Referred to Committee on Public Health and Welfare	53
Jan.	4	Notice of hearing	72
Feb.	9	Placed on General File	392
Feb.	13	Referred for review	422
Feb.	15	Placed on Select File	451
Feb.	16	Referred for engrossment	467
Feb.	20	Correctly engrossed	491
Feb.	23	Final Reading	554
Feb.	26	Correctly enrolled	568
Feb.	26	President signed	569
Feb.	27	Presented to Governor	601
Mar.	5	Approved by Governor	677

LEGISLATIVE BILL 21 By F. Carstens

Jan.	3	Read first time	45
Jan.	3	Referred to Committee on Education	54
Jan.	9	Notice of hearing	110
Jan.	15	Request. Laid over	135
Jan.	16	Withdrawn	142

LEGISLATIVE BILL 22 By C. Carsten

Jan.	3	Read first time	45
Jan.	3	Referred to Committee on Government, Military and Veteran's Affairs	54
Jan.	10	Notice of hearing	120
Feb.	27	Placed on General File	608
Apr.	3	Referred for review	1088
Apr.	5	Placed on Select File	1117
Apr.	9	Referred for engrossment	1158
Apr.	12	Correctly engrossed	1246
Apr.	18	Final Reading	1328
Apr.	18	Correctly enrolled. Speaker signed	1342
Apr.	18	Presented to Governor	1354
Apr.	30	Approved by Governor	1394

LEGISLATIVE BILL 23 By C. Carsten

Jan.	3	Read first time	45
Jan.	3	Referred to Committee on Government, Military and Veteran's Affairs	54
Jan.	10	Notice of hearing	120
Mar.	13	Indefinitely postponed	786

LEGISLATIVE BILL 24 By C. Carsten

Jan.	3	Read first time	45
Jan.	3	Referred to Committee on Urban Affairs	54
Jan.	9	Notice of hearing	110
Feb.	6	Placed on General File	346
Feb.	9	Referred for review	388
Feb.	13	Placed on Select File	409
Feb.	14	Referred for engrossment	437
Feb.	15	Correctly engrossed	460
Feb.	20	Final Reading	492
Feb.	21	Correctly enrolled	518
Feb.	21	Speaker signed	530
Feb.	22	Presented to Governor	540
Feb.	27	Approved by Governor	589

LEGISLATIVE BILL 25 By C. Carsten

Jan.	3	Read first time	45
Jan.	3	Referred to Committee on Miscellaneous Subjects	54
Jan.	16	Notice of hearing	140
Feb.	21	Placed on General File	530
Mar.	16	Laid over	831

Mar. 20	Motion. Motion lost. Referred for review	867
Mar. 22	Placed on Select File	900
Mar. 23	Referred for engrossment	917
Mar. 26	Replaced on Select File	935
Mar. 27	Referred for engrossment	959
Mar. 29	Correctly engrossed	1016
Apr. 4	Final Reading	1096
Apr. 5	Correctly enrolled. President signed	1117
Apr. 9	Presented to Governor	1155
Apr. 11	Approved by Governor	1215

LEGISLATIVE BILL 26 By Carpenter

Jan. 3	Read first time	45
Jan. 3	Referred to Committee on Judiciary	54
Feb. 8	Notice of hearing	370
Mar. 6	Indefinitely postponed	699

LEGISLATIVE BILL 27 By Carpenter

Jan. 3	Read first time	46
Jan. 3	Referred to Committee on Miscellaneous Subjects	54
Jan. 22	Notice of hearing	188
Feb. 8	Indefinitely postponed	373

LEGISLATIVE BILL 28 By Keyes

Jan. 3	Read first time	46
Jan. 3	Referred to Committee on Education	54
Feb. 9	Notice of hearing	392

LEGISLATIVE BILL 29 By Marsh

Jan. 3	Read first time	46
Jan. 3	Referred to Committee on Government, Military and Veteran's Affairs	54
Jan. 10	Notice of hearing	120
Jan. 26	Placed on General File	237
Jan. 29	Referred for review	254
Jan. 31	Placed on Select File	273
Feb. 1	Referred for engrossment	299
Feb. 5	Correctly engrossed	326
Feb. 7	Final Reading	354
Feb. 8	Correctly enrolled	370
Feb. 8	President signed	371
Feb. 9	Presented to Governor	385
Feb. 14	Approved by Governor	442

LEGISLATIVE BILL 30 By Moylan

Jan.	3	Read first time	46
Jan.	3	Referred to Committee on Public Health and Welfare	54
Jan.	4	Notice of hearing	72
Feb.	9	Placed on General File	392
Feb.	13	Referred for review	422
Feb.	15	Placed on Select File	451
Feb.	16	Referred for engrossment	467
Feb.	20	Correctly engrossed	491
Feb.	23	Final Reading	555
Feb.	26	Correctly enrolled	568
Feb.	26	President signed	569
Feb.	27	Presented to Governor	601
Mar.	5	Approved by Governor	677

LEGISLATIVE BILL 31 By Moylan

Jan.	3	Read first time	46
Jan.	3	Referred to Committee on Government, Military and Veteran's Affairs	54
Jan.	10	Notice of hearing	120
Feb.	6	Notice of hearing. Reset	345
Mar.	13	Indefinitely postponed	786

LEGISLATIVE BILL 32 By Moylan

Jan.	3	Read first time	47
Jan.	3	Referred to Committee on Public Health and Welfare	54
Jan.	4	Notice of hearing	72
Feb.	8	Placed on General File	367
Feb.	9	Referred for review	390
Feb.	13	Placed on Select File	411
Feb.	14	Referred for engrossment	438
Feb.	16	Correctly engrossed	465
Feb.	21	Motion. Replaced on Select File	519
Feb.	21	Referred for re-engrossment	526
Feb.	22	Correctly re-engrossed	540
Feb.	27	Final Reading	598
Feb.	28	Correctly enrolled	623
Feb.	28	Speaker signed	633
Mar.	1	Presented to Governor	638
Mar.	5	Approved by Governor	677

LEGISLATIVE BILL 33 By Rasmussen

Jan.	3	Read first time	47
Jan.	3	Referred to Committee on Government, Military and Veteran's Affairs	54
Jan.	10	Notice of hearing	120
Jan.	26	Placed on General File	237
Jan.	29	Referred for review	254
Jan.	31	Placed on Select File	273
Feb.	1	Referred for engrossment	299
Feb.	5	Correctly engrossed	326
Feb.	7	Final Reading	354
Feb.	8	Correctly enrolled	370
Feb.	8	President signed	371
Feb.	9	Presented to Governor	385
Feb.	14	Approved by Governor	442

LEGISLATIVE BILL 34 By Rasmussen

Jan.	3	Read first time	47
Jan.	3	Referred to Committee on Government, Military and Veteran's Affairs	54
Feb.	1	Notice of hearing	301
Feb.	13	Placed on General File	424
Feb.	23	Referred for review	562
Feb.	27	Placed on Select File	595
Feb.	28	Referred for engrossment	628
Mar.	6	Correctly engrossed	692
Mar.	12	Final Reading	755
Mar.	13	Correctly enrolled. President signed	772
Mar.	14	Presented to Governor	790
Mar.	15	Approved by Governor	821

LEGISLATIVE BILL 35 By Keyes

Jan.	3	Read first time	47
Jan.	3	Referred to Committee on Labor	54
Jan.	10	Notice of hearing	115
Jan.	29	Placed on General File	240
Jan.	31	Laid over	280
Feb.	5	Motion. Motion lost. Referred for review	331
Feb.	7	Placed on Select File	348
Feb.	8	Referred for engrossment	368
Feb.	9	Correctly engrossed	385
Feb.	14	Final Reading	428
Feb.	15	Corrently enrolled. President signed	449
Feb.	16	Presented to Governor	468
Feb.	19	Approved by Governor	474

LEGISLATIVE BILL 36 By Clark

Jan.	3	Read first time	47
Jan.	3	Referred to Committee on Public Works	54
Jan.	4	Re-referred to Committee on Agriculture and Environment	70
Jan.	17	Notice of hearing	160
Mar.	6	Indefinitely postponed	685
Mar.	8	Motion. Placed on General File	735
Mar.	29	Referred for review	1025
Apr.	3	Attorney General Opinion	1083
Apr.	4	Placed on Select File	1093
Apr.	5	Referred for engrossment	1132
Apr.	10	Correctly engrossed	1198
Apr.	12	Motion. Replaced on Select File. Referred for re-engrossment	1252
Apr.	16	Correctly re-engrossed	1270
Apr.	18	Final Reading	1344
Apr.	18	Correctly enrolled. President signed	1374
Apr.	19	Presented to Governor	1377
Apr.	30	Approved by Governor	1394

LEGISLATIVE BILL 37 By Burbach

Jan.	3	Read first time	47
Jan.	3	Referred to Committee on Miscellaneous Subjects	54
Jan.	23	Notice of hearing	200
Feb.	8	Placed on General File	373
Feb.	13	Request. Laid over	421
Feb.	15	Referred for review	456
Feb.	19	Placed on Select File	475
Feb.	20	Referred for engrossment	498
Feb.	21	Correctly engrossed	530
Feb.	26	Final Reading	569
Feb.	27	Correctly enrolled	601
Feb.	27	Speaker signed	602
Feb.	28	Presented to Governor	623
Mar.	5	Approved by Governor	677

LEGISLATIVE BILL 37A By Burbach

Feb.	13	Read first time. Placed on General File	424
Feb.	15	Referred for review	457
Feb.	19	Placed on Select File	475
Feb.	20	Referred for engrossment	498
Feb.	21	Correctly engrossed	530
Feb.	26	Final Reading	570

Feb.	27	Correctly enrolled	601
Feb.	27	Speaker signed	602
Feb.	28	Presented to Governor	623
Mar.	5	Approved by Governor	677

LEGISLATIVE BILL 38 By R. Lewis

Jan.	3	Read first time	48
Jan.	3	Referred to Committee on Judiciary	54
Jan.	9	Notice of hearing	110
Jan.	30	Placed on General File	269
Feb.	2	Referred for review	320
Feb.	6	Placed on Select File	337
Feb.	7	Referred for engrossment	351
Feb.	8	Replaced on Select File	365
Feb.	9	Referred for engrossment	383
Feb.	12	Correctly engrossed	397
Feb.	14	Final Reading	434
Feb.	15	Correctly enrolled. President signed	449
Feb.	16	Presented to Governor	468
Feb.	19	Approved by Governor	474

LEGISLATIVE BILL 39 By Carpenter

Jan.	3	Read first time	48
Jan.	3	Referred to Committee on Banking, Commerce and Insurance	54
Jan.	8	Notice of hearing	90
Jan.	18	Placed on General File	164
Jan.	26	Laid over	235
Jan.	29	Referred for review	253
Jan.	31	Placed on Select File	273
Feb.	1	Referred for engrossment	299
Feb.	5	Correctly engrossed	326
Feb.	7	Final Reading	355
Feb.	8	Correctly enrolled	370
Feb.	8	President signed	371
Feb.	9	Presented to Governor	385
Feb.	14	Approved by Governor	442

LEGISLATIVE BILL 40 By Stull

Jan.	3	Read first time	48
Jan.	3	Referred to Committee on Judiciary	54
Jan.	9	Notice of hearing	110
Jan.	30	Placed on General File	269
Feb.	2	Referred for review	320

Feb.	6	Placed on Select File	338
Feb.	7	Referred for engrossment	351
Feb.	9	Correctly engrossed	385
Feb.	22	Final Reading	533
Feb.	23	Correctly enrolled. President signed	563
Feb.	23	Presented to Governor	567
Mar.	5	Message from Governor	667
Mar.	5	Approved by Governor	677

LEGISLATIVE BILL 40A By Stull

Feb.	8	Read first time. Placed on General File	378
Feb.	13	Referred for review	420
Feb.	15	Placed on Select File	449
Feb.	16	Referred for engrossment	467
Feb.	19	Correctly engrossed	476
Feb.	22	Final Reading	533
Feb.	23	Correctly enrolled. President signed	563
Feb.	26	Presented to Governor	567
Mar.	5	Approved by Governor. Line item veto	667
Mar.	14	Delivered to Secretary of State	799

LEGISLATIVE BILL 41 By Stull

Jan.	3	Read first time	48
Jan.	3	Referred to Committee on Constitutional Revision and Recreation	54
Jan.	4	Notice of hearing	63
Feb.	16	Indefinitely postponed	471

LEGISLATIVE BILL 42 By Stull

Jan.	3	Read first time	48
Jan.	3	Referred to Committee on Revenue	54
Jan.	10	Notice of hearing	115
Feb.	13	Indefinitely postponed	423

LEGISLATIVE BILL 43 By Stull

Jan.	3	Read first time	48
Jan.	3	Referred to Committee on Education	54
Jan.	9	Notice of hearing	110
Feb.	12	Placed on General File	406
Feb.	23	Bracketed	561
Mar.	7	Bracketed	715
Mar.	15	Referred for review	816
Mar.	19	Placed on Select File	846

Mar. 20	Referred for engrossment	866
Mar. 21	Bracketed	878
Apr. 3	Unbracketed. Motion. Replaced on Select File. Bracketed	1076
Apr. 5	Referred for engrossment	1131
Apr. 10	Correctly engrossed	1198

LEGISLATIVE BILL 43A By Education Committee

Mar. 15	Read first time. Placed on General File	821
Mar. 16	Laid over	830
Mar. 20	Referred for Review	867
Mar. 22	Placed on Select File	900
Mar. 23	Bracketed	917
Apr. 3	Unbracketed. Bracketed	1076
Apr. 5	Referred for engrossment	1131
Apr. 9	Replaced on Select File	1166
Apr. 10	Bracketed	1189
Apr. 10	Unbracketed. Referred for engrossment	1203
Apr. 12	Correctly engrossed	1246

LEGISLATIVE BILL 44 By Stull

Jan. 3	Read first time	48
Jan. 3	Referred to Committee on Education	54
Jan. 9	Notice of hearing	110
Feb. 8	Indefinitely postponed	369

LEGISLATIVE BILL 45 By Interim Study Committee

Jan. 3	Read first time	49
Jan. 3	Referred to Committee on Public Works	54
Jan. 8	Notice of hearing	90
Apr. 10	Placed on General File	1192
Apr. 12	Bracketed	1239
Apr. 30	Laid over	1421
May 1	Referred for review	1435
May 7	Placed on Select File	1512
May 8	Motion. Motion lost. Referred for engrossment	1549
May 14	Replaced on Select File	1665
May 14	Referred for engrossment	1668
May 14	Correctly engrossed	1690
May 17	Final Reading	1740
May 17	Correctly enrolled. President signed	1760
May 17	Presented to Governor	1775
May 23	Approved by Governor	1817
May 23	Explanation of vote	1830

LEGISLATIVE BILL 46 By Marvel

Jan.	3	Read first time	49
Jan.	3	Referred to Committee on Revenue	54
Jan.	8	Notice of hearing	100
Feb.	13	Placed on General File	423
Mar.	1	Referred for review	648
Mar.	5	Placed on Select File	669
Mar.	6	Referred for engrossment	693
Mar.	7	Correctly engrossed	718
Mar.	13	Final Reading	773
Mar.	14	Correctly enrolled. President signed	791
Mar.	15	Presented to Governor	805
Mar.	16	Approved by Governor	839

LEGISLATIVE BILL 47 By C. Carsten, Wiltse

Jan.	3	Read first time	49
Jan.	3	Referred to Committee on Public Works	54
Jan.	8	Notice of hearing	90
Jan.	23	Placed on General File	205
Jan.	25	Referred for review	227
Jan.	29	Placed on Select File	240
Jan.	30	Referred for engrossment	266
Jan.	31	Correctly engrossed	278
Feb.	5	Final Reading	327
Feb.	6	Correctly enrolled. President signed	338
Feb.	6	Presented to Governor	344
Feb.	9	Approved by Governor	381

LEGISLATIVE BILL 48 By Stahmer

Jan.	3	Read first time	49
Jan.	3	Referred to Committee on Revenue	54
Jan.	24	Notice of hearing	215
Mar.	20	Indefinitely postponed	868
Mar.	23	Motion. Motion pending	924
Apr.	2	Motion renewed. Placed on General File	1061

LEGISLATIVE BILL 49 By Nore

Jan.	3	Read first time	49
Jan.	3	Referred to Committee on Public Works	54
Jan.	8	Notice of hearing	90
Jan.	23	Placed on General File	205
Jan.	25	Referred for review	227

Jan.	29	Placed on Select File	240
Jan.	30	Referred for engrossment	266
Jan.	31	Correctly engrossed	278
Feb.	5	Final Reading	328
Feb.	6	Correctly enrolled. President signed	338
Feb.	6	Presented to Governor	344
Feb.	9	Approved by Governor	381

LEGISLATIVE BILL 50 By Administrative Rules and Regulations Committee

Jan.	3	Read first time	50
Jan.	3	Referred to Committee on Public Works	54
Jan.	8	Notice of hearing	90

LEGISLATIVE BILL 51 By Duis

Jan.	3	Read first time	50
Jan.	3	Referred to Committee on Banking, Commerce and Insurance	54
Jan.	8	Notice of hearing	90
Feb.	9	Placed on General File	392
Feb.	13	Referred for review	422
Feb.	15	Placed on Select File	451
Feb.	16	Referred for engrossment	467
Feb.	20	Correctly engrossed	491
Feb.	23	Final Reading	555
Feb.	26	Correctly enrolled	568
Feb.	26	President signed	569
Feb.	27	Presented to Governor	601
Mar.	5	Approved by Governor	677

LEGISLATIVE BILL 52 By Kennedy

Jan.	3	Read first time	50
Jan.	3	Referred to Committee on Public Health and Welfare	54
Jan.	4	Notice of hearing	72
Jan.	24	Placed on General File	214
Jan.	26	Referred for review	235
Jan.	30	Placed on Select File	256
Jan.	31	Referred for engrossment	279
Feb.	1	Correctly engrossed	309
Feb.	6	Final Reading	338
Feb.	7	Correctly enrolled. President signed	349
Feb.	7	Presented to Governor	352
Feb.	9	Approved by Governor	381

LEGISLATIVE BILL 53 By Maresh

Jan.	3	Read first time	50
Jan.	3	Referred to Committee on Miscellaneous Subjects	54
Feb.	1	Notice of hearing	301
Mar.	21	Indefinitely postponed	878

LEGISLATIVE BILL 54 By Maresh

Jan.	3	Read first time	50
Jan.	3	Referred to Committee on Public Works	54
Jan.	8	Notice of hearing	90
Jan.	23	Placed on General File	205
Jan.	25	Referred for review	228
Jan,	29	Placed on Select File	240
Jan.	30	Referred for engrossment	266
Jan.	31	Correctly engrossed	278
Feb.	5	Final Reading	329
Feb.	6	Correctly enrolled. President signed	338
Feb.	6	Presented to Governor	344
Feb.	9	Approved by Governor	381

LEGISLATIVE BILL 55 By Simpson

Jan.	3	Read first time	50
Jan.	3	Referred to Committee on Nebraska Retirement Systems	54
Mar.	1	Notice of hearing	647
Mar.	21	Placed on General File	892
Apr.	9	Referred for review	1180
Apr.	12	Attorney General Opinion	1244
Apr.	30	Placed on Select File	1399
May	1	Referred for engrossment	1431
May	1	Replaced on Select File	1441
May	2	Referred for engrossment	1454
May	3	Correctly engrossed	1478
May	8	Final Reading	1545
May	8	Correctly enrolled. President signed	1553
May	8	Presented to Governor	1559
May	11	Approved by Governor	1640

LEGISLATIVE BILL 56 By Duis

Jan.	3	Read first time	50
Jan.	3	Referred to Committee on Banking, Commerce and Insurance	54

Jan.	8	Notice of hearing	90
Jan.	18	Placed on General File	164
Jan.	19	Referred for review	175
Jan.	23	Placed on Select File	200
Jan.	24	Referred for engrossment	214
Jan.	25	Correctly engrossed	221
Jan.	29	Final Reading	243
Jan.	30	Correctly enrolled. President signed	256
Jan.	31	Presented to Governor	273
Feb.	6	Approved by Governor	342

LEGISLATIVE BILL 57 By Judiciary Committee

Jan.	3	Read first time	51
Jan.	3	Referred to Committee on Judiciary	54
Jan.	9	Notice of hearing	110
Feb.	5	Placed on General File	334
Feb.	8	Referred for review	372
Feb.	12	Placed on Select File	396
Feb.	13	Referred for engrossment	418
Feb.	14	Correctly engrossed	437
Feb.	19	Final Reading	477
Feb.	20	Correctly enrolled. Speaker signed	491
Feb.	20	Presented to Governor	502
Feb.	26	Approved by Governor	582

LEGISLATIVE BILL 58 By Judiciary Committee

Jan.	3	Read first time	51
Jan.	3	Referred to Committee on Judiciary	54
Jan.	9	Notice of hearing	110
Feb.	5	Placed on General File	334
Feb.	8	Referred for review	372
Feb.	12	Placed on Select File	396
Feb.	13	Referred for engrossment	418
Feb.	14	Correctly engrossed	437
Feb.	19	Final Reading	478
Feb.	20	Correctly enrolled. Speaker signed	491
Feb.	20	Presented to Governor	501
Feb.	26	Approved by Governor	582

LEGISLATIVE BILL 59 By Judiciary Committee

Jan.	3	Read first time	51
Jan.	3	Referred to Committee on Judiciary	54
Jan.	9	Notice of hearing	110
Feb.	5	Placed on General File	334

Feb.	8	Referred for review	372
Feb.	12	Placed on Select File	396
Feb.	13	Referred for engrossment	418
Feb.	14	Correctly engrossed	437
Feb.	19	Final Reading	478
Feb.	20	Correctly enrolled. Speaker signed	491
Feb.	20	Presented to Governor	501
Feb.	26	Approved by Governor	582

LEGISLATIVE BILL 60 By Judiciary Committee

Jan.	3	Read first time	51
Jan.	3	Referred to Committee on Judiciary	54
Jan.	9	Notice of hearing	110
Mar.	5	Placed on General File	678
Mar.	27	Referred for review	979
Apr.	3	Placed on Select File	1070
Apr.	4	Referred for engrossment	1098
Apr.	9	Correctly engrossed	1156
Apr.	12	Final Reading	1227
Apr.	12	Correctly enrolled. Speaker signed	1256
Apr.	16	Presented to Governor	1271
Apr.	30	Approved by Governor	1393

LEGISLATIVE BILL 61 By Judiciary Committee

Jan.	3	Read first time	51
Jan.	3	Referred to Committee on Judiciary	54
Jan.	9	Notice of hearing	110
Feb.	5	Indefinitely postponed	334

LEGISLATIVE BILL 62 By Judiciary Committee

Jan.	3	Read first time	51
Jan.	3	Referred to Committee on Judiciary	54
Jan.	9	Notice of hearing	110
Feb.	5	Indefinitely postponed	334

LEGISLATIVE BILL 63 By Barnett

Jan.	3	Read first time	52
Jan.	3	Referred to Committee on Constitutional Revision and Recreation	54
Jan.	4	Request	62
Jan.	4	Notice of hearing	63
Feb.	16	Indefinitely postponed	471

LEGISLATIVE BILL 64 By Barnett

Jan.	3	Read first time	52
Jan.	3	Referred to Committee on Public Works	54
Jan.	8	Notice of hearing	90
Mar.	12	Indefinitely postponed	752

LEGISLATIVE BILL 65 By Barnett

Jan.	3	Read first time	52
Jan.	3	Referred to Committee on Education	54
Jan.	9	Notice of hearing	110
Feb.	12	Placed on General File	398
Feb.	15	Laid over	457
Feb.	22	Referred for review	545
Feb.	26	Placed on Select File	568
Feb.	27	Referred for engrossment	603
Feb.	28	Replaced on Select File	623
Mar.	1	Referred for engrossment	643
Mar.	2	Correctly engrossed	656
Mar.	7	Final Reading	705
Mar.	8	Correctly enrolled. President signed	733
Mar.	12	Presented to Governor	750
Mar.	14	Approved by Governor	799

LEGISLATIVE BILL 66 By Barnett

Jan.	3	Read first time	52
Jan.	3	Referred to Committee on Agriculture and Environment	54
Jan.	17	Notice of hearing	160
Jan.	29	Notice of hearing. Reset	251
Mar.	27	Indefinitely postponed	966
Mar.	29	Motion pending	1012
Apr.	5	Motion renewed. Placed on General File	1135

LEGISLATIVE BILL 67 By Barnett

Jan.	3	Read first time	52
Jan.	3	Referred to Committee on Judiciary	54
Jan.	9	Notice of hearing	110
Feb.	21	Indefinitely postponed	530

LEGISLATIVE BILL 68 By Duis

Jan.	3	Read first time	53
Jan.	3	Referred to Committee on Banking, Commerce and Insurance	54

Jan.	8	Notice of hearing	90
Jan.	9	Hearing cancelled	111
Jan.	15	Notice of hearing. Reset	129
Feb.	14	Placed on General File	442
Feb.	23	Bracketed	562
Feb.	27	Bracketed	606
Feb.	28	Request	631
Mar.	5	Bracketed	680
Mar.	16	Bracketed	830
Mar.	26	Laid overr	942
Mar.	26	Referred for review	948
Apr.	2	Placed on Select File	1040
Apr.	3	Referred for engrossment	1074
Apr.	9	Replaced on Select File	1164
Apr.	10	Referred for engrossment	1188
Apr.	10	Correctly engrossded	1198
Apr.	17	Final Reading	1297
Apr.	17	Correctly enrolled. President signed	1305
Apr.	18	Presented to Governor	1321
Apr.	30	Approved by Governor	1394

LEGISLATIVE BILL 68A By Duis

Feb.	26	Read first time	581
Feb.	27	Bracketed	606
Mar.	5	Bracketed	680
Mar.	16	Bracketed	830
Mar.	26	Referred for review	949
Apr.	2	Placed on Select File	1042
Apr.	3	Referred for engrossment	1074
Apr.	4	Replaced on Select File	1091
Apr.	5	Referred for engrossment	1132
Apr.	10	Correctly engrossed	1198
Apr.	17	Final Reading	1298
Apr.	17	Correctly enrolled. President signed	1305
Apr.	18	Presented to Governor	1321
Apr.	30	Approved by Governor	1394

LEGISLATIVE BILL 69 By Snyder

Jan.	3	Read first time	53
Jan.	3	Referred to Committee on Urban Affairs	55
Jan.	9	Notice of hearing	110
Jan.	24	Placed on General File	214
Jan.	26	Referred for review	235
Jan.	30	Placed on Select File	256
Jan.	31	Laid over	279

Feb.	1	Bracketed	299
Feb.	5	Unbracketed. Referred for engrossment	330
Feb.	7	Correctly engrossed	348
Feb.	12	Final Reading	399
Feb.	13	Correctly enrolled. President signed	411
Feb.	13	Presented to Governor	422
Feb.	15	Approved by Governor	452

LEGISLATIVE BILL 70 By Snyder

Jan.	3	Read first time	53
Jan.	3	Referred to Committee on Urban Affairs	55
Jan.	9	Notice of hearing	110
Jan.	24	Placed on General File	214
Jan.	26	Referred for review	236
Feb.	6	Placed on Select File	336
Feb.	7	Referred for engrossment	350
Feb.	8	Replaced on Select File	366
Feb.	9	Referred for engrossment	383
Feb.	12	Correctly engrossed	397
Feb.	14	Bracketed	434
Feb.	21	Final Reading	518
Feb.	22	Correctly enrolled. Speaker signed	540
Feb.	23	Presented to Governor	563
Feb.	27	Approved by Governor	589

LEGISLATIVE BILL 71 By Goodrich

Jan.	4	Read first time	57
Jan.	4	Referred to Committee on Urban Afairs	69
Feb.	7	Placed on General File	349
Feb.	9	Laid over. Bracketed	388
Feb.	16	Referred for review	469
Feb.	20	Placed on Select File	491
Feb.	21	Referred for Engrossment	526
Feb.	22	Correctly engrossed	540
Feb.	27	Final Reading	598
Feb.	28	Correctly enrolled	623
Feb.	28	Speaker signed	633
Mar.	1	Presented to Governor	638
Mar.	5	Approved by Governor	677

LEGISLATIVE BILL 72 By Goodrich

Jan.	4	Read first time	57
Jan.	4	Referred to Committee on Constitutional Revision and Recreation	69

Jan.	8	Notice of hearing	91
Feb.	2	Placed on General File	321
Feb.	8	Motion. Indefinitely postponed	372

LEGISLATIVE BILL 73 By Goodrich

Jan.	4	Read first time	58
Jan.	4	Referred to Committee on Agriculture and Environment	69
Jan.	17	Notice of hearing	160
Mar.	27	Placed on General File	970
Mar.	28	Referred for review	1001
Apr.	4	Placed on Select File	1091
Apr.	5	Referred for engrossment	1132
Apr.	10	Replaced on Select File	1183
Apr.	11	Referred for engrossment	1212
Apr.	12	Correctly engrossed	1259
Apr.	18	Final Reading	1329
Apr.	18	Correctly enrolled. Speaker signed	1342
Apr.	18	Presented to Governor	1354
Apr.	30	Approved by Governor	1394

LEGISLATIVE BILL 74 By Anderson

Jan.	4	Read first time	58
Jan.	4	Referred to Committee on Government, Military and Veteran's Affairs	69
Jan.	18	Notice of hearing	169
Jan.	30	Placed on General File	267
Feb.	2	Laid over	320
Feb.	5	Laid over	332
Feb.	8	Motion. Indefinitely postponed	371

LEGISLATIVE BILL 75 By Anderson

Jan.	4	Read first time	58
Jan.	4	Referred to Committee on Government, Military and Veteran's Affairs	69
Jan.	18	Notice of hearing	169
Apr.	3	Placed on General File	1077
Apr.	12	Referred for review	1241
Apr.	16	Placed on Select File	1290
Apr.	17	Referred for engrossment	1317
Apr.	30	Correctly engrossed	1399
May	3	Final Reading	1463
May	3	Correctly enrolled. President signed	1478
May	3	Presented to Governor	1484
May	4	Approved by Governor	1500

LEGISLATIVE BILL 76 By Schmit

Jan.	4	Read first time	58
Jan.	4	Referred to Committee on Revenue	69
Jan.	29	Notice of hearing	248
Feb.	14	Placed on General File	445
Feb.	27	Request. Request. REferred for review	595
Feb.	27	Placed on Select File	603
Feb.	27	Request. Referred for engrossment	604
Feb.	27	Correctly engrossed	608
Mar.	1	Motion. Final Reading	642
Mar.	1	Correctly enrolled. Speaker signed. Explanation of vote	647
Mar.	1	Presented to Governor	651
Mar.	5	Approved by Governor	677

LEGISLATIVE BILL 77 By Schmit

Jan.	4	Read first time	58
Jan.	4	Referred to Committee on Miscellaneous Subjects	69
Jan.	22	Notice of hearing	188
Feb.	8	Placed on General File	374
Feb.	13	Referred for review	421
Mar.	22	Placed on Select File	899
Mar.	23	Referred for engrossment	917
Mar.	27	Correctly engrossed	979
Apr.	2	Bracketed	1034

LEGISLATIVE BILL 77A By Schmit

Feb.	27	Read first time. Placed on General File	603
Feb.	28	Referred for review	635
Mar.	22	Placed on Select File	899
Mar.	23	Referred for engrossment	917
Mar.	27	Correctly engrossed	979
Apr.	2	Bracketed	1034

LEGISLATIVE BILL 78 By Clark, Duis

Jan.	4	Read first time	58
Jan.	4	Referred to Committee on Miscellaneous Subjects	69
Feb.	8	Notice of hearing	378
Mar.	27	Placed on General File	960

LEGISLATIVE BILL 79 By Executive Board

Jan.	4	Read first time	58
Jan.	4	Placed on General File	69

Jan.	9	Referred for review	109
Jan.	15	Placed on Select File	130
Jan.	16	Referred for engrossment	142
Jan.	17	Correctly engrossed	157
Jan.	22	Final Reading	193
Jan.	23	Correctly enrolled. Speaker signed	200
Jan.	24	Presented to Governor	208
Jan.	26	Approved by Governor	232
Jan.	29	Explanation of vote	250

LEGISLATIVE BILL 80 By Executive Board

Jan.	4	Read first time	59
Jan.	4	Placed on General File	69
Jan.	9	Referred for review	109
Jan.	15	Placed on Select File	130
Jan.	16	Referred for engrossment	143
Jan.	17	Correctly engrossed	157
Jan.	22	Final Reading	194
Jan.	23	Correctly enrolled. Speaker signed	200
Jan.	24	Presented to Governor	208
Jan.	26	Approved by Governor	232
Jan.	29	Explanation of vote	250

LEGISLATIVE BILL 81 By Executive Board

Jan.	4	Read first time	59
Jan.	4	Placed on General File	69
Jan.	9	Referred for review	109
Jan.	15	Placed on Select File	130
Jan.	16	Referred for engrossment	143
Jan.	17	Correctly engrossed	157
Jan.	22	Final Reading	194
Jan.	23	Correctly enrolled. Speaker signed	200
Jan.	24	Presented to Governor	208
Jan.	26	Approved by Governor	232
Jan.	29	Explanation of vote	250

LEGISLATIVE BILL 82 By Executive Board

Jan.	4	Read first time	59
Jan.	4	Placed on General File	69
Jan.	9	Referred for review	109
Jan.	15	Placed on Select File	130
Jan.	16	Referred for engrossment	143
Jan.	17	Replaced on Select File	157
Jan.	18	Referred for engrossment	166

Jan.	19	Correctly engrossed	174
Jan.	24	Final Reading	211
Jan.	25	Correctly enrolled. President signed	221
Jan.	25	Presented to Governor	228
Jan.	26	Approved by Governor	232
Jan.	29	Explanation of vote	250

LEGISLATIVE BILL 83 By Executive Board

Jan.	4	Read first time	59
Jan.	4	Placed on General File	69
Jan.	9	Referred for review	109
Jan.	15	Placed on Select File	130
Jan.	16	Referred for engrossment	143
Jan.	17	Correctly engrossed	157
Jan.	22	Final Reading	195
Jan.	23	Correctly enrolled. Speaker signed	200
Jan.	24	Presented to Governor	208
Jan.	26	Approved by Governor	232
Jan.	29	Explanation of vote	250

LEGISLATIVE BILL 84 By Executive Board

Jan.	4	Read first time	59
Jan.	4	Referred to Committee on Judiciary	69
Jan.	9	Notice of hearing	110
Jan.	31	Placed on General File	283
Feb.	6	Referred for review	342
Feb.	8	Placed on Select File	366
Feb.	9	Referred for engrossment	383
Feb.	12	Correctly engrossed	397
Feb.	14	Final Reading	434
Feb.	15	Correctly enrolled. President signed	449
Feb.	16	Presented to Governor	468
Feb.	19	Approved by Governor	474

LEGISLATIVE BILL 85 By Executive Board

Jan.	4	Read first time	59
Jan.	4	Referred to Committee on Constitutional Revision and Recreation	69
Jan.	8	Notice of hearing	91
Jan.	23	Indefinitely postponed	203
Jan.	24	Motion. Motion pending	213

LEGISLATIVE BILL 86 By Duis

Jan.	4	Read first time	59
Jan.	4	Referred to Committee on Banking, Commerce and Insurance	69
Jan.	8	Notice of hearing	90
Jan.	9	Notice of hearing. Reset	129
Jan.	9	Hearing cancelled	111
Jan.	15	Notice of hearing. Reset	129
Feb.	14	Placed on General File	444
Feb.	23	Bracketed	562
Feb.	27	Request	607
Mar.	5	Bracketed	680
Mar.	16	Bracketed	831
Mar.	26	Referred for review	949
Apr.	2	Placed on Select File	1042
Apr.	3	Referred for engrossment	1074
Apr.	9	Replaced on Select File	1165
Apr.	10	Referred for engrossment	1188
Apr.	10	Correctly engrossed	1198
Apr.	17	Final Reading	1299
Apr.	17	Correctly enrolled. President signed	1305
Apr.	18	Presented to Governor	1321
Apr.	30	Approved by Governor	1394

LEGISLATIVE BILL 87 By Public Works Committee

Jan.	4	Read first time	60
Jan.	4	Referred to Committee on Public Works	69
Jan.	8	Notice of hearing	90
Mar.	1	Placed on General File	648
Mar.	27	Motion. Returned to Committee	963
Mar.	27	Request	971
Mar.	27	Notice of hearing	976
Apr.	30	Replaced on General File	1415
May	15	Referred for review	1711
May	18	Placed on Select File	1780
May	18	Referred for engrossment	1789
May	23	Replaced on Select File	1816
May	23	Referred for engrossment	1829
May	23	Correctly engrossed	1830
May	25	Final Reading	1901
May	25	Correctly enrolled. President signed	1915
May	25	Presented to Governor	1925
June	1	Approved by Governor	1935
June	1	Letter	1937

LEGISLATIVE BILL 88 By Public Works Committee

Jan.	4	Read first time	60
Jan.	4	Referred to Committee on Public Works	69
Jan.	8	Notice of hearing	90
Jan.	29	Placed on General File	249
Jan.	31	Referred for review	280
Feb.	2	Placed on Select File	313
Feb.	5	Referred for engrossment	330
Feb.	7	Correctly engrossed	348
Feb.	12	Final Reading	400
Feb.	13	Correctly enrolled. President signed	411
Feb.	13	Presented to Governor	422
Feb.	15	Approved by Governor	452

LEGISLATIVE BILL 89 By Hasebroock

Jan.	4	Read first time	60
Jan.	4	Referred to Committee on Public Health and Welfare	69
Jan.	15	Notice of hearing	136
Feb.	1	Indefinitely postponed	300

LEGISLATIVE BILL 90 By Stull

Jan.	4	Read first time	60
Jan.	4	Referred to Committee on Public Works	69
Jan.	8	Notice of hearing	90
Jan.	29	Placed on General File	249
Jan.	31	Referred for review	280
Feb.	2	Placed on Select File	313
Feb.	5	Referred for engrossment	330
Feb.	6	Replaced on Select File	336
Feb.	7	Referred for engrossment	350
Feb.	8	Correctly engrossed	370
Feb.	13	Final Reading	413
Feb.	14	Correctly enrolled. President signed	437
Feb.	15	Presented to Governor	449
Feb.	19	Approved by Governor	474

LEGISLATIVE BILL 91 By Keyes

Jan.	4	Read first time	60
Jan.	4	Referred to Committee on Revenue	69
Feb.	6	Notice of hearing	345
Apr.	18	Placed on General File	1374

LEGISLATIVE BILL 92 By Snyder

Jan. 4	Read first time	60
Jan. 4	Referred to Committee on Public Health and Welfare	69
Jan. 15	Notice of hearing	136
Mar. 22	Placed on General File	904
Apr. 10	Request. Withdrawn	1203

LEGISLATIVE BILL 93 By Snyder

Jan. 4	Read first time	61
Jan. 4	Referred to Committee on Banking, Commerce and Insurance	69
Jan. 9	Notice of hearing	110
Jan. 24	Placed on General File	209
Jan. 26	Referred for review	235
Jan. 30	Placed on Select File	256
Jan. 30	Bracketed	266
Jan. 31	Unbracketed. Request. Referred for engrossment	279
Feb. 1	Correctly engrossed	309
Feb. 6	Final Reading	339
Feb. 7	Correctly enrolled. President signed	349
Feb. 7	Presented to Governor	352
Feb. 9	Approved by Governor	381

LEGISLATIVE BILL 94 By Snyder

Jan. 4	Read first time	61
Jan. 4	Referred to Committee on Revenue	69
Jan. 19	Notice of hearing	176
Mar. 12	Placed on General File	761
Apr. 3	Referred for review	1088
Apr. 5	Placed on Select File	1117
Apr. 9	Referred for engrossment	1158
Apr. 12	Correctly engrossed	1246

LEGISLATIVE BILL 95 By Nore

Jan. 4	Read first time	61
Jan. 4	Referred to Committee on Government, Military and Veteran's Affairs	69
Jan. 18	Notice of hearing	169
Jan. 30	Placed on General File	267
Feb. 2	Motion. Referred for review	320
Feb. 6	Placed on Select File	337

Feb.	7	Referred for engrossment	351
Feb.	9	Correctly engrossed	385
Feb.	14	Final Reading	429
Feb.	15	Correctly enrolled. President signed	449
Feb.	16	Presented to Governor	468
Feb.	19	Approved by Governor	474

LEGISLATIVE BILL 96 By Simpson

Jan.	4	Read first time	61
Jan.	4	Referred to Committee on Labor	69
Jan.	16	Notice of hearing	146
Feb.	12	Indefinitely postponed	397
Feb.	14	Motion. Motion pending.	437
Feb.	21	Motion renewed. Motion lost	527

LEGISLATIVE BILL 97 By Moylan

Jan.	4	Read first time	61
Jan.	4	Referred to Committee on Urban Affairs	69
Jan.	16	Notice of hearing	145
Mar.	2	Indefinitely postponed	660

LEGISLATIVE BILL 98 By Whitney

Jan.	4	Read first time	61
Jan.	4	Referred to Committee on Agriculture and Environment	69
Jan.	17	Notice of hearing	160
Mar.	6	Indefinitely postponed	686

LEGISLATIVE BILL 99 By Hasebroock

Jan.	4	Read first time	63
Jan.	4	Referred to Committee on Labor	69
Jan.	10	Notice of hearing	115
Jan.	22	Placed on General File	190
Jan.	23	Referred for review	204
Jan.	25	Placed on Select File	221
Jan.	26	Referred for engrossment	235
Jan.	29	Correctly engrossed	241
Feb.	1	Final Reading	290
Feb.	2	Correctly enrolled. President signed	314
Feb.	2	Presented to Governor	321
Feb.	6	Approved by Governor	342

LEGISLATIVE BILL 100 By Barnett

Jan.	4	Read first time	63
Jan.	4	Referred to Committee on Public Health and Welfare	69
Jan.	15	Notice of hearing	136
Feb.	8	Placed on General File	367
Feb.	9	Motion lost	390
Feb.	9	Referred for review	391
Feb.	13	Placed on Select File	411
Feb.	14	Referred for engrossment	438
Feb.	16	Correctly engrossed	465
Feb.	21	Final Reading	519
Feb.	22	Correctly enrolled. Speaker signed	540
Feb.	23	Presented to Governor	563
Feb.	27	Approved by Governor	589

LEGISLATIVE BILL 101 By Schmit

Jan.	4	Read first time	63
Jan.	4	Referred to Committee on Public Health and Welfare	70
Jan.	8	Notice of hearing	100
Jan.	25	Placed on General File	224
Jan.	26	Referred for review	236
Jan.	30	Placed on Select File	256
Jan.	31	Referred for engrossment	279
Feb.	1	Correctly engrossed	309
Feb.	6	Motion	340
Feb.	6	Referred for re-engrossment	341
Feb.	7	Correctly re-engrossed	348
Feb.	12	Bracketed	399
Feb.	22	Final Reading	534
Feb.	23	Correctly enrolled. President signed	563
Feb.	26	Presented to Governor	567
Feb.	27	Approved by Governor	589

LEGISLATIVE BILL 101A By Schmit

Feb.	8	Read first time. Placed on General File	371
Feb.	13	Referred for review	420
Feb.	15	Placed on Select File	449
Feb.	16	Referred for engrossment	466
Feb.	19	Correctly engrossed	476
Feb.	22	Final Reading	535
Feb.	23	Correctly enrolled. President signed	563
Feb.	26	Presented to Governor	567
Feb.	27	Approved by Governor	589

LEGISLATIVE BILL 102 By Savage

Jan.	4	Read first time	65
Jan.	4	Referred to Committee on Public Health and Welfare	70
Jan.	15	Notice of hearing	136
Jan.	31	Placed on General File	286
Feb.	6	Referred for review	342
Feb.	8	Placed on Select File	366
Feb.	9	Referred for engrossment	383
Feb.	12	Replaced on Select File	396
Feb.	13	Referred for engrossment	418
Feb.	14	Correctly engrossed	437
Feb.	22	Request. Laid over	536
Feb.	22	Motion. Returned to E & R for Review	540
Feb.	23	Motion. Replaced on Select File. Referred for re-engrossment	558
Feb.	26	Correctly re-engrossed	568
Mar.	1	Final Reading	640
Mar.	1	Correctly enrolled. Speaker signed. Explanation of vote	647
Mar.	2	Presented to Governor	656
Mar.	6	Motion	692
Mar.	6	Motion. Returned to Select File. Referred for re-engrossment	695
Mar.	7	Replaced on Select File	704
Mar.	8	Referred for re-engrossment. Request	734
Mar.	12	Message from Governor	740
Mar.	12	Correctly re-engrossed	749
Mar.	15	Final Reading	807
Mar.	16	Correctly enrolled. President signed	827
Mar.	19	Presented to Governor	846
Mar.	22	Approved by Governor	910

LEGISLATIVE BILL 102A By Savage, Schmit

Feb.	8	Read first time. Placed on General File	378
Feb.	13	Referred for review	421
Feb.	15	Placed on Select File	450
Feb.	16	Referred for engrossment	467
Feb.	19	Correctly engrossed	476
Feb.	22	Laid over	536
Mar.	1	Final Reading	640
Mar.	1	Correctly enrolled. Speaker signed. Explanation of vote	647
Mar.	2	Presented to Governor	656
Mar.	12	Approved by Governor	740

LEGISLATIVE BILL 103 By Savage

Jan. 4	Read first time	65
Jan. 4	Referred to Committee on Public Health and Welfare	70
Jan. 15	Notice of hearing	136
Feb. 12	Placed on General File	398
Feb. 15	Referred for review	457
Feb. 19	Placed on Select File	475
Feb. 20	Referred for engrossment	498
Feb. 22	Correctly engrossed	540
Feb. 27	Final Reading	599
Feb. 28	Correctly enrolled	623
Feb. 28	Speaker signed	633
Mar. 1	Presented to Governor	638
Mar. 5	Approved by Governor	677

LEGISLATIVE BILL 104 By Syas

Jan. 4	Read first time	65
Jan. 4	Referred to Committee on Constitutional Revision and Recreation	70
Jan. 8	Notice of hearing	91
Feb. 8	Placed on General File	366
Feb. 9	Request	390
Feb. 13	Bracketed	413
Feb. 27	Bracketed	605
Mar. 6	Laid over	697
Mar. 29	Bracketed	1018

LEGISLATIVE BILL 105 By Proud

Jan. 4	Read first time	68
Jan. 4	Referred to Committee on Education	70
Feb. 2	Notice of hearing	322

LEGISLATIVE BILL 106 By Whitney

Jan. 4	Read first time	69
Jan. 4	Referred to Committee on Education	70
Feb. 9	Notice of hearing	392

LEGISLATIVE BILL 107 By F. Carstens

Jan. 8	Read first time	95
Jan. 9	Referred to Committee on Agriculture and Environment	103
Jan. 24	Notice of hearing	208

Feb.	7	Placed on General File	349
Feb.	9	Referred for review	388
Feb.	13	Placed on Select File	409
Feb.	14	Referred for engrossment	437
Feb.	15	Correctly engrossed	460
Feb.	20	Final Reading	492
Feb.	21	Correctly enrolled	518
Feb.	21	Speaker signed	530
Feb.	22	Presented to Governor	540
Feb.	27	Approved by Governor	589

LEGISLATIVE BILL 108 By F. Carstens

Jan.	8	Read first time	95
Jan.	9	Referred to Committee on Agriculture and Environment	103
Jan.	24	Notice of hearing	208
Feb.	7	Placed on General File	349
Feb.	9	Referred for review	388
Feb.	13	Placed on Select File	410
Feb.	14	Referred for engrossment	437
Feb.	15	Replaced on Select File	449
Feb.	16	Referred for engrossment	466
Feb.	19	Correctly engrossed	476
Feb.	22	Failed on Final Reading	536

LEGISLATIVE BILL 109 By F. Carstens

Jan.	8	Read first time	95
Jan.	9	Referred to Committee on Education	103
Feb.	27	Notice of hearing	605

LEGISLATIVE BILL 110 By F. Carstens

Jan.	8	Read first time	95
Jan.	9	Referred to Committee on Judiciary	103
Jan.	16	Notice of hearing	146
Mar.	5	Placed on General File	678
Mar.	23	Referred for review	920
Mar.	28	Placed on Select File	986
Mar.	29	Referred for engrossment	1009
Apr.	2	Correctly engrossed	1033
Apr.	2	Motion. Returned to Select File	1059
Apr.	2	Referred for re-engrossment	1060
Apr.	4	Replaced on Select File	1091
Apr.	5	Referred for engrossment	1132
Apr.	10	Correctly re-engrossed	1198
May	24	Final Reading	1895

May	24	Correctly enrolled. President signed	1897
May	25	Presented to Governor	1900
June	1	Approved by Governor	1934

LEGISLATIVE BILL 110A By F. Carstens

Apr.	2	Read first time. Placed on General File	1058
Apr.	4	Referred for review	1107
Apr.	5	Placed on Select File	1140
Apr.	9	Referred for engrossment	1158
Apr.	12	Correctly engrossed	1246
May	24	Final Reading	1895
May	24	Correctly enrolled. President signed	1897
May	25	Presented to Governor	1900
June	1	Approved by Governor	1934

LEGISLATIVE BILL 111 By Carpenter

Jan.	8	Read first time	95
Jan.	9	Referred to Committee on Miscellaneous Subjects	103
Feb.	12	Notice of hearing	395
Apr.	3	Placed on General File	1073
May	3	Request	1481
May	9	Referred for review	1588
May	14	Placed on Select File	1686
May	14	Request. Laid over	1689
May	15	Laid over	1698
May	16	Laid over	1727
May	17	Referred for engrossment	1766
May	18	Replaced on Select File	1809
May	18	Referred for engrossment	1812
May	18	Motion lost	1813
May	23	Replaced on Select File	1825
May	23	Referred for engrossment. Correctly engrossed	1830
May	23	Motion. Returned to E & R Final	1840
May	23	Replaced on Select File	1847
May	23	Referred for re-engrossment	1848
May	23	Motion. Replaced on Select File	1849
May	23	Referred for re-engrossment. Co-introducer added	1850
May	23	Replaced on Select File	1854
May	23	Referred for re-engrossment	1855
May	24	Correctly re-engrossed	1888
June	1	Final Reading	1956
June	1	Explanation of vote	1962
June	1	Correctly enrolled	1965

June	1	President signed	1966
June	1	Presented to Governor	1968
June	2	Approved by Governor	1971

LEGISLATIVE BILL 111A By Carpenter

Mar.	16	Read first time. Placed on General File	830
May	25	Indefinitely postponed	1900

LEGISLATIVE BILL 112 By Marsh

Jan.	8	Read first time	95
Jan.	9	Referred to Committee on Labor	103
Jan.	16	Notice of hearing	146
Jan.	30	Indefinitely postponed	263
Feb.	1	Motion. Motion pending	299
Feb.	7	Motion renewed	351
Feb.	9	Bracketed. Request	390
Feb.	12	Request	399
Feb.	13	Laid over	419
Feb.	23	Bracketed	562
Feb.	27	Request	606
Feb.	28	Referred for review	634
Mar.	2	Placed on Select File	655
Mar.	5	Referred for engrossment	675
Mar.	6	Replaced on Select File	684
Mar.	7	Laid over	709
Mar.	8	Referred for engrossment	734
Mar.	12	Correctly engrossed	749
Mar.	15	Final Reading	808
Mar.	16	Correctly enrolled. President signed	827
Mar.	19	Presented to Governor	846
Mar.	27	Approved by Governor	965

LEGISLATIVE BILL 112A By Marsh

Feb.	28	Read first time. Placed on General File	635
Mar.	1	Referred for review	648
Mar.	2	Placed on Select File	656
Mar.	5	Referred for engrossment	675
Mar.	12	Correctly engrossed	749
Mar.	15	Final Reading	808
Mar.	16	Correctly enrolled. President signed	827
Mar.	19	Presented to Governor	846
Mar.	27	Approved by Governor	965

LEGISLATIVE BILL 113 By Clark

Jan.	8	Read first time	96
Jan.	9	Referred to Committee on Education	103
Feb.	2	Notice of hearing	322
Mar.	15	Indefinitely postponed	806

LEGISLATIVE BILL 114 By Executive Board

Jan.	8	Read first time	96
Jan.	9	Referred to Committee on Revenue	103
Jan.	15	Notice of hearing. Hearing cancelled	137
Jan.	19	Notice of hearing. Reset. Notice of hearing. Reset	176
Mar.	12	Placed on General File	762
Mar.	23	Laid over	922
Mar.	29	Laid over	1030
Apr.	4	Bracketed	1110
Apr.	9	Bracketed	1173
May	15	Referred for review	1709
May	17	Placed on Select File	1759
May	17	Laid over	1774
May	23	Referred for engrossment	1853
May	24	Replaced on Select File	1885
May	24	Referred for engrossment. Correctly engrossed	1888
June	1	Attorney General Opinion	1941
June	1	Final Reading	1964
June	1	Correctly enrolled	1965
June	1	President signed	1966
June	1	Presented to Governor	1968
June	2	Approved by Governor	1971

LEGISLATIVE BILL 115 By Marsh

Jan.	8	Read first time	96
Jan.	9	Referred to Committee on Public Health and Welfare	103
Jan.	15	Notice of hearing	136
Feb.	8	Placed on General File	367
Feb.	9	Referred for review	391
Feb.	13	Placed on Select File	411
Feb.	14	Referred for engrossment	438
Feb.	16	Correctly engrossed	465
Feb.	21	Final Reading	520
Feb.	22	Correctly enrolled. Speaker signed	540
Feb.	23	Presented to Governor	563
Feb.	27	Approved by Governor	589

LEGISLATIVE BILL 116 By Syas

Jan.	8	Read first time	96
Jan.	9	Referred to Committee on Judiciary	103
Jan.	16	Notice of hearing	146
Feb.	12	Placed on General File	404
Feb.	15	Referred for review	458
Feb.	19	Placed on Select File	476
Feb.	20	Referred for engrossment	498
Feb.	21	Correctly engrossed	530
Feb.	26	Final Reading	571
Feb.	27	Correctly enrolled	601
Feb.	27	Speaker signed	602
Feb.	28	Presented to Governor	623
Mar.	5	Approved by Governor	677

LEGISLATIVE BILL 117 By Appropriations Committee

Jan.	8	Read first time	96
Jan.	9	Referred to Committee on Miscellaneous Subjects	103
Jan.	16	Notice of hearing	140
Jan.	30	Placed on General File	269
Feb.	5	Referred for review	332
Feb.	7	Placed on Select File	348
Feb.	8	Referred for engrossment	368
Feb.	9	Correctly engrossed	385
Feb.	14	Final Reading	429
Feb.	15	Correctly enrolled. President signed	449
Feb.	16	Presented to Governor	468
Feb.	21	Approved by Governor	513

LEGISLATIVE BILL 118 By Appropriations Committee

Jan.	8	Read first time	96
Jan.	9	Referred to Committee on Miscellaneous Subjects	103
Jan.	16	Notice of hearing	140
Jan.	30	Placed on General File	269
Feb.	5	Referred for review	332
Feb.	7	Placed on Select File	348
Feb.	8	Referred for engrossment	368
Feb.	9	Correctly engrossed	385
Feb.	14	Final Reading	430
Feb.	15	Correctly enrolled. President signed	449
Feb.	16	Presented to Governor	468
Feb.	21	Approved by Governor	513

LEGISLATIVE BILL 119 By Appropriations Committee

Jan.	8	Read first time	97
Jan.	9	Referred to Committee on Miscellaneous Subjects	103
Jan.	16	Notice of hearing	140
Jan.	30	Placed on General File	269
Feb.	5	Referred for review	332
Feb.	7	Placed on Select File	348
Feb.	8	Referred for engrossment	368
Feb.	9	Correctly engrossed	385
Feb.	14	Final Reading	431
Feb.	15	Correctly enrolled. President signed	449
Feb.	16	Presented to Governor	468
Feb.	21	Approved by Governor	513

LEGISLATIVE BILL 120 By Appropriations Committee

Jan.	8	Read first time	97
Jan.	9	Referred to Committee on Miscellaneous Subjects	103
Jan.	16	Notice of hearing	140
Jan.	30	Placed on General File	269
Feb.	5	Referred for review	332
Feb.	7	Placed on Select File	348
Feb.	8	Referred for engrossment	368
Feb.	9	Correctly engrossed	385
Feb.	14	Final Reading	431
Feb.	15	Correctly enrolled. President signed	449
Feb.	16	Presented to Governor	468
Feb.	21	Approved by Governor	513

LEGISLATIVE BILL 121 By Appropriations Committee

Jan.	8	Read first time	97
Jan.	9	Referred to Committee on Miscellaneous Subjects	103
Jan.	10	Notice of hearing	140
Jan.	30	Placed on General File	269
Feb.	5	Referred for review	332
Feb.	7	Placed on Select File	348
Feb.	8	Bracketed	368
Apr.	10	Request	1195
Apr.	12	Unbracketed	1252
Apr.	12	Referred for engrossment	1253
Apr.	16	Replaced on Select File	1266
Apr.	17	Referred for engrossment	1315
Apr.	19	Correctly engrossed	1383
May	2	Final Reading	1445
May	2	Correctly enrolled. Speaker signed	1454

May	2	Presented to Governor	1457
May	4	Approved by Governor	1500

LEGISLATIVE BILL 122 By Appropriations Committee

Jan.	8	Read first time	97
Jan.	9	Referred to Committee on Appropriations	103
Jan.	19	Notice of hearing	177
Jan.	29	Placed on General File	240
Jan.	31	Referred for review	279
Feb.	2	Placed on Select File	313
Feb.	5	Referred for engrossment	330
Feb.	7	Correctly engrossed	348
Feb.	12	Final Reading	401
Feb.	13	Correctly enrolled. President signed	411
Feb.	13	Presented to Governor	422
Feb.	15	Approved by Governor	452

LEGISLATIVE BILL 123 By Appropriations Committee

Jan.	8	Read first time	97
Jan.	9	Referred to Committee on Revenue	103
Jan.	10	Notice of hearing	115
Feb.	13	Indefinitely postponed	423

LEGISLATIVE BILL 124 By Appropriations Committee

Jan.	8	Read first time	98
Jan.	9	Referred to Committee on Miscellaneous Subjects	103
Jan.	16	Notice of hearing	140
Jan.	30	Placed on General File	269
Feb.	5	Referred for review	332
Feb.	7	Placed on Select File	348
Feb.	8	Referred for engrossment	368
Feb.	9	Correctly engrossed	385
Feb.	14	Final Reading	432
Feb.	15	Correctly enrolled. President signed	449
Feb.	16	Presented to Governor	468
Feb.	21	Approved by Governor	513

LEGISLATIVE BILL 125 By Judiciary Committee

Jan.	8	Read first time	98
Jan.	9	Referred to Committee on Labor	103
Jan.	16	Notice of hearing	146
Feb.	12	Indefinitely postponed	397

LEGISLATIVE BILL 126 By Judiciary Committee

Jan.	8	Read first time	98
Jan.	9	Referred to Committee on Judiciary	103
Jan.	16	Notice of hearing	146
Feb.	12	Placed on General File	404
Feb.	15	Referred for review	458
Feb.	19	Placed on Select File	476
Feb.	20	Referred for engrossment	498
Feb.	21	Correctly engrossed	530
Feb.	26	Final Reading	571
Feb.	27	Correctly enrolled	601
Feb.	27	Speaker signed	602
Feb.	28	Presented to Governor	623
Mar.	5	Approved by Governor	677

LEGISLATIVE BILL 127 By Judiciary Committee

Jan.	8	Read first time	98
Jan.	9	Referred to Committee on Judiciary	103
Jan.	22	Notice of hearing	197
Apr.	4	Placed on General File	1113
Apr.	30	Request	1411
May	15	Motion. Motion lost	1711

LEGISLATIVE BILL 128 By Stromer

Jan.	8	Read first time	98
Jan.	9	Referred to Committee on Public Works	103
Jan.	10	Notice of hearing	115
Jan.	23	Placed on General File	205
Jan.	25	Considered	228
Jan.	26	Laid over	235
Jan.	26	Motion. Motion lost. Motion. Motion lost	236
Jan.	29	Motion. Motion lost	253
Jan.	31	Bracketed	279

LEGISLATIVE BILL 129 By Stromer

Jan.	8	Read first time	99
Jan.	9	Referred to Committee on Judiciary	103
Feb.	8	Notice of hearing	370
Mar.	6	Indefinitely postponed	699

LEGISLATIVE BILL 130 By Stromer

Jan.	8	Read first time	99
Jan.	9	Referred to Committee on Education	103

Jan.	16	Notice of hearing	146
Jan.	16	Placed on General File	233
Jan.	29	Referred for review	254
Jan.	31	Placed on Select File	273
Feb.	1	Referred for engrossment	299
Feb.	5	Correctly engrossed	326
Feb.	7	Final Reading	356
Feb.	8	Correctly enrolled	370
Feb.	8	President signed	371
Feb.	9	Presented to Governor	385
Feb.	14	Approved by Governor	442

LEGISLATIVE BILL 131 By Snyder

Jan.	8	Read first time	99
Jan.	9	Referred to Committee on Miscellaneous Subjects	103
Jan.	22	Notice of hearing	188
Mar.	21	Placed on General File	878
Apr.	9	Bracketed	1176
Apr.	10	Bracketed	1201

LEGISLATIVE BILL 132 By Interim Study Committee

Jan.	8	Read first time	99
Jan.	9	Referred to Committee on Revenue	103
Jan.	10	Notice of hearing	115
Jan.	30	Placed on General File	263
Feb.	2	Referred for review	318
Feb.	6	Placed on Select File	337
Feb.	7	Referred for engrossment	350
Feb.	7	Attorney General Opinion	361
Feb.	8	Correctly engrossed	370
Feb.	13	Motion. Replaced on Select File	414
Feb.	13	Referred for re-engrossment	417
Feb.	14	Correctly re-engrossed	437
Feb.	16	Bracketed	468
Feb.	22	Final Reading	537
Feb.	23	Correctly enrolled. President signed	563
Feb.	26	Presented to Governor	567
Feb.	27	Approved by Governor	589

LEGISLATIVE BILL 133 By Epke

Jan.	8	Read first time	99
Jan.	9	Referred to Committee on Agriculture and Environment	103

Jan.	24	Notice of hearing	208
Feb.	7	Placed on General File	349
Feb.	9	Referred for review	388
Feb.	13	Placed on Select File	410
Feb.	14	Referred for engrossment	438
Feb.	15	Correctly engrossed	460
Feb.	21	Correctly enrolled	518
Feb.	21	Speaker signed	530
Feb.	22	Presented to Governor	540
Feb.	27	Approved by Governor	589

LEGISLATIVE BILL 134 By Administrative Rules and Regulations Committee

Jan.	8	Read first time	99
Jan.	9	Referred to Committee on Miscellaneous Subjects	103
Feb.	19	Notice of hearing	484
Apr.	2	Placed on General File	1061
May	10	Bracketed	1610
May	15	Referred for review	1699
May	17	Placed on Select File	1755
May	17	Referred for engrossment	1757
May	18	Correctly engrossed	1811
May	24	Final Reading	1889
May	24	Correctly enrolled. President signed	1897
May	25	Presented to Governor	1900
May	25	Explanation of vote	1927
June	1	Approved by Governor	1935

LEGISLATIVE BILL 135 By Administrative Rules and Regulations Committee

Jan.	8	Read first time	100
Jan.	9	Referred to Committee on Public Works	103
Jan.	10	Notice of hearing	115
Jan.	29	Indefinitely postponed	248

LEGISLATIVE BILL 136 By Maresh

Jan.	8	Read first time	100
Jan.	9	Referred to Committee on Retirement Systems	103
Jan.	30	Notice of hearing	263
Apr.	30	Indefinitely postponed	1399

LEGISLATIVE BILL 137 By Warner

Jan.	8	Read first time	100
Jan.	9	Referred to Committee on Government, Military and Veteran's Affairs	103
Jan.	18	Notice of hearing	169
Jan.	30	Placed on General File	267
Feb.	2	Referred for review	320
Feb.	6	Placed on Select File	337
Feb.	7	Referred for engrossment	351
Feb.	9	Correctly engrossed	385
Feb.	14	Final Reading	433
Feb.	15	Correctly enrolled. President signed	449
Feb.	16	Presented to Governor	468
Feb.	21	Approved by Governor	513

LEGISLATIVE BILL 138 By Richendifer

Jan.	9	Read first time	105
Jan.	15	Referred to Committee on Constitutional Revision and Recreation	127
Jan.	19	Notice of hearing	176
Feb.	19	Placed on General File	484
Feb.	23	Referred for review	560
Feb.	27	Placed on Select File	591
Feb.	28	Referred for engrossment	627
Mar.	1	Correctly engrossed	648
Mar.	6	Motion. Replaced on Select File	689
Mar.	6	Referred for re-engrossment	693
Mar.	7	Correctly re-engrossed	717
Mar.	13	Final Reading	773
Mar.	14	Correctly enrolled. President signed	791
Mar.	15	Presented to Governor	805
Mar.	16	Approved by Governor	839

LEGISLATIVE BILL 139 By Stahmer

Jan.	9	Read first time	105
Jan.	15	Referred to Committee on Urban Affairs	127
Jan.	16	Notice of hearing	145
Mar.	2	Indefinitely postponed	661

LEGISLATIVE BILL 140 By Wiltse

Jan.	9	Read first time	105
Jan.	9	Notice of hearing	111
Jan.	15	Referred to Committee on Banking, Commerce and Insurance	127

Jan. 18	Placed on General File	164
Jan. 19	Referred for review	175
Jan. 23	Placed on Select File	200
Jan. 24	Referred for engrossment	213
Jan. 25	Correctly engrossed	221
Jan. 29	Laid over	244
Jan. 30	Final Reading	259
Jan. 31	Correctly enrolled. President signed	279
Jan. 31	Presented to Governor	282
Feb. 6	Approved by Governor	342

LEGISLATIVE BILL 141 By Wiltse

Jan. 9	Read first time	105
Jan. 9	Notice of hearing	111
Jan. 15	Referred to Committee on Banking, Commerce and Insurance	127
Jan. 18	Placed on General File	169
Jan. 22	Referred for review	197
Jan. 24	Placed on Select File	209
Jan. 25	Referred for engrossment	223
Jan. 26	Correctly engrossed	236
Jan. 31	Final Reading	273
Feb. 1	Correctly enrolled. President signed. Request	291
Feb. 1	Explanation of vote	292
Feb. 1	Presented to Governor	300
Feb. 6	Approved by Governor	342

LEGISLATIVE BILL 142 By Hasebroock

Jan. 9	Read first time	105
Jan. 9	Notice of hearing	111
Jan. 15	Referred to Committee on Banking, Commerce and Insurance	127
Jan. 18	Placed on General File	164
Jan. 19	Referred for review	176
Jan. 23	Placed on Select File	200
Jan. 24	Referred for engrossment	215
Jan. 25	Correctly engrossed	221
Jan. 29	Final Reading	244
Jan. 30	Correctly enrolled. President signed	256
Jan. 31	Presented to Governor	273
Feb. 6	Approved by Governor	342

LEGISLATIVE BILL 143 By Hasebroock

Jan.	9	Read first time	105
Jan.	9	Notice of hearing	111
Jan.	15	Referred to Committee on Banking, Commerce and Insurance	127
Jan.	18	Placed on General File	164
Jan.	19	Referred for review	176
Jan.	23	Placed on Select File	200
Jan.	24	Referred for engrossment	214
Jan.	25	Correctly engrossed	221
Jan.	29	Final Reading	245
Jan.	30	Correctly enrolled. President signed	256
Jan.	31	Presented to Governor	273
Feb.	6	Approved by Governor	342

LEGISLATIVE BILL 144 By Barnett

Jan.	9	Read first time	111
Jan.	15	Referred to Committee on Public Works	127
Jan.	17	Notice of hearing	160
Jan.	29	Placed on General File	249
Jan.	31	Motion. Motion. Referred for review	280
Feb.	2	Placed on Select File	313
Feb.	5	Referred for engrossment	330
Feb.	7	Correctly engrossed	348
Feb.	12	Final Reading	401
Feb.	13	Correctly enrolled. President signed	411
Feb.	13	Presented to Governor	422
Feb.	15	Approved by Governor	452

LEGISLATIVE BILL 145 By R. Lewis

Jan.	9	Read first time	111
Jan.	15	Referred to Committee on Education	127
Jan.	29	Notice of hearing	251
Feb.	27	Placed on General File	605
Mar.	26	Request. Referred for review	950
Apr.	2	Placed on Select File	1045
Apr.	3	Referred for engrossment	1074
Apr.	5	Replaced on Select File	1116
Apr.	9	Referred for engrossment	1157
Apr.	11	Correctly engrossed	1219
Apr.	17	Final Reading	1310
Apr.	18	Correctly enrolled. President signed	1321
Apr.	18	Presented to Governor	1326
Apr.	30	Approved by Governor	1394

LEGISLATIVE BILL 146 By Chambers

Jan.	9	Read first time	111
Jan.	15	Referred to Committee on Judiciary	127
Feb.	2	Notice of hearing	322
Feb.	21	Placed on General File	530
Mar.	7	Motion. Referred for review	715
Mar.	12	Placed on Select File	749
Mar.	13	Referred for engrossment	779
Mar.	14	Replaced on Select File	790
Mar.	15	Request. Bracketed	807
Mar.	15	Referred for engrossment	813
Mar.	16	Correctly engrossed	826
Mar.	21	Request. Unbracketed	879
Mar.	21	Final Reading	880
Mar.	22	Correctly enrolled. President signed	905
Mar.	23	Presented to Governor	913
Mar.	27	Approved by Governor	965
May	17	Attorney General Opinion	1751

LEGISLATIVE BILL 147 By Interim Study Committee

Jan.	9	Read first time	111
Jan.	15	Referred to Committee on Public Works	127
Feb.	5	Notice of hearing	333
Mar.	2	Indefinitely postponed	664

LEGISLATIVE BILL 148 By Stull

Jan.	9	Read first time	112
Jan.	15	Referred to Committee on Education	127
Jan.	19	Notice of hearing	176
Feb.	27	Placed on General File	605
Mar.	27	Referred for review	961
Apr.	2	Placed on Select File	1045
Apr.	3	Laid over	1074
Apr.	4	Referred for engrossment	1097
Apr.	5	Replaced on Select File	1116
Apr.	9	Referred for engrossment	1157
Apr.	11	Correctly engrossed	1219
Apr.	17	Final Reading	1311
Apr.	18	Correctly enrolled. President signed	1321
Apr.	18	Presented to Governor	1326
Apr.	30	Approved by Governor	1394

LEGISLATIVE BILL 149 By Kremer, Stromer

Jan.	9	Read first time	112
Jan.	15	Referred to Committee on Miscellaneous Subjects	127
Jan.	22	Re-referred to Committee on Agriculture and Environment	189
Feb.	14	Notice of hearing	442
Feb.	19	Notice of hearing. Reset	484
Apr.	9	Placed on General File	1153
May	4	Laid over	1505
May	4	Bracketed	1509
May	9	Motion. Motion lost. Referred for review	1589
May	14	Placed on Select File	1665
May	14	Referred for engrossment	1668
May	15	Replaced on Select File	1712
May	15	Referred for engrossment	1715
May	16	Correctly engrossed	1727
May	24	Final Reading	1873
May	24	Correctly enrolled. President signed	1884
May	24	Presented to Governor	1888
May	25	Explanation of vote	1927
June	1	Approved by Governor	1934

LEGISLATIVE BILL 150 By Cavanaugh

Jan.	9	Read first time	112
Jan.	15	Referred to Committee on Labor	127
Jan.	16	Notice of hearing	146
Jan.	30	Placed on General File	263
Feb.	2	Referred for review	318
Feb.	6	Placed on Select File	337
Feb.	7	Referred for engrossment	350
Feb.	8	Correctly engrossed	370
Feb.	13	Final Reading	414
Feb.	14	Correctly enrolled. President signed	437
Feb.	15	Presented to Governor	449
Feb.	19	Approved by Governor	474

LEGISLATIVE BILL 151 By Cavanaugh

Jan.	9	Read first time	112
Jan.	15	Referred to Committee on Banking, Commerce and Insurance	127
Jan.	26	Motion. Laid over	237
Jan.	29	Request renewed. Withdrawn	251

LEGISLATIVE BILL 152 By Whitney

Jan. 10	Read first time	117
Jan. 15	Referred to Committee on Public Works	127
Jan. 17	Notice of hearing	160
Jan. 29	Placed on General File	249
Jan. 31	Motion. Motion withdrawn. Bracketed	280
Feb. 2	Unbracketed. Referred for review. Request	316
Feb. 5	Placed on Select File	326
Feb. 6	Bracketed	340
Feb. 8	Laid over	368
Feb. 9	Referred for engrossment	383
Feb. 12	Correctly engrossed	397
Feb. 14	Final Reading	435
Feb. 15	Correctly enrolled. President signed	449
Feb. 16	Presented to Governor	468
Feb. 19	Approved by Governor	474

LEGISLATIVE BILL 153 By F. Carstens

Jan. 10	Read first time	117
Jan. 15	Referred to Committee on Banking, Commerce and Insurance	127
Jan. 18	Notice of hearing	166
Mar. 16	Indefinitely postponed	833
Mar. 21	Motion. Placed on General File. Bracketed	892

LEGISLATIVE BILL 154 By R. Lewis

Jan. 10	Read first time	117
Jan. 15	Referred to Committee on Revenue	128
Jan. 24	Notice of hearing	215
Mar. 12	Indefinitely postponed	761

LEGISLATIVE BILL 155 By Luedtke

Jan. 10	Read first time	117
Jan. 15	Referred to Committee on Miscellaneous Subjects	128
Feb. 19	Notice of hearing	484
Mar. 26	Indefinitely postponed	936

LEGISLATIVE BILL 156 By Luedtke

Jan. 10	Read first time	117
Jan. 15	Referred to Committee on Appropriations	128
Feb. 20	Notice of hearing	509

LEGISLATIVE BILL 157 By Luedtke

Jan.	10	Read first time	118
Jan.	15	Referred to Committee on Judiciary	128
Jan.	22	Notice of hearing	197
Feb.	8	Placed on General File	373
Feb.	9	Request	392
Feb.	13	Referred for review	420
Feb.	15	Placed on Select File	449
Feb.	16	Referred for engrossment	467
Feb.	19	Correctly engrossed	476
Feb.	22	Final Reading	538
Feb.	23	Correctly enrolled. President signed	563
Feb.	26	Presented to Governor	567
Feb.	27	Approved by Governor	589

LEGISLATIVE BILL 158 By Luedtke

Jan.	10	Read first time	118
Jan.	15	Referred to Committee on Banking, Commerce and Insurance	128
Jan.	23	Notice of hearing	204
Jan.	31	Indefinitely postponed	283

LEGISLATIVE BILL 159 By Moylan

Jan.	10	Read first time	118
Jan.	15	Referred to Committee on Judiciary	128
Jan.	22	Notice of hearing	197
Feb.	12	Placed on General File	404
Feb.	15	Referred for review	458
Feb.	19	Placed on Select File	476
Feb.	20	Referred for engrossment	498
Feb.	21	Correctly engrossed	530
Feb.	26	Final Reading	572
Feb.	27	Correctly enrolled	601
Feb.	27	Speaker signed	602
Feb.	28	Presented to Governor	623
Mar.	5	Approved by Governor	677

LEGISLATIVE BILL 160 By Carpenter

Jan.	10	Read first time	118
Jan.	15	Referred to Committee on Public Works	128
Jan.	17	Notice of hearing	160
Feb.	15	Notice of hearing. Continued	455

LEGISLATIVE BILL 161 By Interim Study Committee

Jan.	10	Read first time	118
Jan.	15	Referred to Committee on Banking, Commerce and Insurance	128
Jan.	18	Notice of hearing	166
Mar.	16	Indefinitely postponed	833
Mar.	21	Motion. Placed on General File. Bracketed	892

LEGISLATIVE BILL 162 By Waldron

Jan.	10	Read first time	119
Jan.	15	Referred to Committee on Judiciary	128
Jan.	29	Notice of hearing	251
Feb.	26	Placed on General File	583
Mar.	16	Bracketed	837
Mar.	20	Referred for review	867
Mar.	22	Placed on Select File	899
Mar.	23	Referred for engrossment	917
Mar.	26	Replaced on Select File	935
Mar.	26	Bracketed. Unbracketed	941
Mar.	27	Referred for engrossment	959
May	3	Unbracketed. Motion. Replaced on Select File	1480
May	3	Referred for engrossment	1481
May	4	Correctly engrossed	1504
June	1	Motion. Motion lost	1965

LEGISLATIVE BILL 162A By Waldron

Mar.	13	Read first time. Placed on General File	786
Mar.	16	Bracketed	837
Mar.	20	Referred for review	867
Mar.	22	Placed on Select File	900
Mar.	23	Referred for engrossment	917
Mar.	26	Bracketed	941
May	8	Unbracketed. Motion. Replaced on Select File. Referred for engrossment	1558
May	9	Replaced on Select File	1568
May	10	Referred for engrossment	1604
May	14	Correctly engrossed	1666
June	1	Motion. Motion lost	1965

LEGISLATIVE BILL 163 By Kremer, Rasmussen, Stromer

Jan.	10	Read first time	119
Jan.	15	Referred to Committee on Government, Military and Veteran's Affairs	128

Jan.	17	Re-referred to Committee on Constitutional Revision and Recreation	157
Jan.	18	Notice of hearing	168
Feb.	16	Placed on General File	471
Feb.	23	Referred for review	559
Feb.	27	Placed on Select File	591
Feb.	28	Referred for engrossment	626
Mar.	1	Correctly engrossed	648
Mar.	6	Final Reading	690
Mar.	7	Correctly enrolled. President signed	704
Mar.	8	Presented to Governor	733
Mar.	12	Explanation of vote	759
Mar.	14	Approved by Governor	799

LEGISLATIVE BILL 164 By Carpenter

Jan.	10	Read first time	119
Jan.	15	Referred to Committee on Banking, Commerce and Insurance	128
Jan.	18	Notice of hearing	166
Feb.	28	Placed on General File	631
Mar.	23	Referred for review	919
Mar.	26	Attorney General Opinion	932
Mar.	27	Placed on Select File	956
Mar.	28	Motion. Replaced on General File	996
Mar.	29	Referred for review	1016
Apr.	2	Placed on Select File	1045
Apr.	3	Referred for engrossment	1075
Apr.	9	Replaced on Select File	1165
Apr.	10	Referred for engrossment	1188
Apr.	10	Correctly engrossed	1198
Apr.	17	Final Reading	1299
Apr.	17	Correctly enrolled. President signed	1305
Apr.	18	Presented to Governor	1321
Apr.	30	Approved by Governor	1394

LEGISLATIVE BILL 165 By Carpenter

Jan.	10	Read first time	119
Jan.	15	Referred to Committee on Banking, Commerce and Insurance	128
Jan.	18	Notice of hearing	166
Jan.	23	Notice of hearing. Reset	204
Feb.	8	Placed on General File	374
Feb.	13	Referred for review	421
Feb.	15	Placed on Select File	450
Feb.	16	Referred for engrossment	467

Feb.	20	Replaced on Select File	490
Feb.	21	Referred for engrossment	525
Feb.	23	Correctly engrossed	563
Feb.	28	Final Reading	623
Mar.	1	Correctly enrolled	639
Mar.	1	Speaker signed	647
Mar.	2	Presented to Governor	656
Mar.	5	Approved by Governor	677

LEGISLATIVE BILL 166 By Carpenter

Jan.	10	Read first time	119
Jan.	15	Referred to Committee on Banking, Commerce and Insurance	128
Jan.	18	Notice of hearing	166
Feb.	8	Placed on General File	376
Feb.	13	Referred for review	422
Feb.	15	Placed on Select File	450
Feb.	16	Referred for engrossment	467
Feb.	20	Replaced on Select File	490
Feb.	21	Referred for engrossment	525
Feb.	23	Correctly engrossed	563
Feb.	27	Motion. Replaced on Select File. Referred for re-engrossment	604
Feb.	28	Correctly re-engrossed	623
Mar.	5	Final Reading	670
Mar.	6	Correctly enrolled. President signed	692
Mar.	8	Presented to Governor	733
Mar.	12	Explanation of vote	759
Mar.	14	Approved by Governor	799

LEGISLATIVE BILL 167 By Carpenter

Jan.	10	Read first time	120
Jan.	15	Referred to Committee on Banking, Commerce and Insurance	128
Jan.	18	Notice of hearing	166
Feb.	22	Placed on General File	547
Feb.	23	Referred for review	561
Feb.	27	Placed on Select File	593
Feb.	28	Referred for engrossment	628
Mar.	5	Replaced on Select File	669
Mar.	6	Referred for engrossment	693
Mar.	7	Replaced on Select File	703
Mar.	8	Referred for engrossment	734
Mar.	12	Correctly engrossed	749
Mar.	15	Final Reading	809
Mar.	16	Correctly enrolled. President signed	827

Mar.	19	Presented to Governor	846
Mar.	22	Approved by Governor	910

LEGISLATIVE BILL 168 By Whitney

Jan.	15	Read first time	131
Jan.	16	Referred to Committee on Education	139
Jan.	19	Notice of hearing	176
Feb.	27	Indefinitely postponed	605

LEGISLATIVE BILL 169 By Richendifer

Jan.	15	Read first time	131
Jan.	16	Referred to Committee on Judiciary	139
Jan.	16	Notice of hearing	146
Feb.	8	Placed on General File	373
Feb.	13	Referred for review	420
Feb.	15	Placed on Select File	450
Feb.	16	Referred for engrossment	467
Feb.	19	Correctly engrossed	476
Feb.	22	Final Reading	538
Feb.	23	Correctly enrolled. President signed	563
Feb.	26	Presented to Governor	567
Feb.	27	Approved by Governor	589

LEGISLATIVE BILL 170 By F. Carstens

Jan.	15	Read first time	132
Jan.	16	Referred to Committee on Public Works	139
Jan.	17	Notice of hearing	160
Mar.	12	Indefinitely postponed	752

LEGISLATIVE BILL 171 By F. Lewis

Jan.	15	Read first time	132
Jan.	16	Referred to Committee on Education	139
Feb.	9	Notice of hearing	392

LEGISLATIVE BILL 172 By F. Lewis

Jan.	15	Read first time	132
Jan.	16	Referred to Committee on Education	139
Feb.	9	Notice of hearing	392
Apr.	17	Placed on General File	1302
Apr.	30	Bracketed	1400
May	2	Considered. Pending	1457
May	2	Reconsidered. Referred for review	1460

May	3	Placed on Select File	1486
May	4	Laid over	1496
May	7	Laid over	1524
May	8	Laid over	1549
May	9	Laid over	1573
May	10	Referred for engrossment	1605
May	11	Replaced on Select File	1623
May	11	Referred for engrossment	1634
May	15	Correctly engrossed	1704
May	17	Motion. Replaced on Select File	1761
May	17	Referred for re-engrossment	1763
May	18	Replaced on Select File	1808
May	18	Referred for re-engrossment	1812
May	23	Correctly re-engrossed	1816
May	25	Final Reading	1901
May	25	Explanation of vote	1912
May	25	Correctly enrolled. President signed	1915
May	25	Presented to Governor	1925
June	1	Letter from Governor	1938
June	1	Approved by Governor	1939

LEGISLATIVE BILL 173 By Maresh

Jan.	15	Read first time	132
Jan.	16	Referred to Committee on Public Health and Welfare	139
Jan.	25	Notice of hearing	228
Feb.	22	Placed on General File	542
Mar.	2	Referred for review	661
Mar.	6	Placed on Select File	685
Mar.	7	Referred for engrossment	709
Mar.	8	Correctly engrossed	733
Mar.	14	Final Reading	792
Mar.	15	Correctly enrolled. President signed. Explanation of vote	806
Mar.	16	Presented to Governor	826
Mar.	20	Approved by Governor	868

LEGISLATIVE BILL 174 By Stromer

Jan.	15	Read first time	132
Jan.	16	Referred to Committee on Government, Military and Veteran's Affairs	139
Jan.	18	Notice of hearing	169
Feb.	1	Placed on General File	300
Feb.	5	Request	332

Feb.	6	Motion	343
Feb.	7	Referred to Committee on Government, Military and Veteran's Affairs	347
Mar.	14	Notice of hearing	797

LEGISLATIVE BILL 175 By Johnson

Jan.	15	Read first time	132
Jan.	16	Referred to Committee on Agriculture and Environment	139
Jan.	24	Notice of hearing	208
Feb.	7	Indefinitely postponed	348

LEGISLATIVE BILL 176 By Keyes

Jan.	15	Read first time	132
Jan.	16	Referred to Committee on Public Works	139
Jan.	17	Notice of hearing	160
Feb.	7	Placed on General File	351
Feb.	9	Bracketed	389
Feb.	16	Referred for review	470
Feb.	20	Placed on Select File	491
Feb.	21	Referred for engrossment	526
Feb.	22	Correctly engrossed	540
Feb.	27	Final Reading	600
Feb.	28	Correctly enrolled	623
Feb.	28	Speaker signed	633
Mar.	1	Presented to Governor	638
Mar.	5	Approved by Governor	677

LEGISLATIVE BILL 177 By Waldron

Jan.	15	Read first time	133
Jan.	16	Referred to Committee on Public Works	139
Jan.	18	Notice of hearing	164
Feb.	20	Indefinitely postponed	499
Feb.	21	Motion. Motion pending	528
Feb.	26	Motion renewed. Placed on General File	583
Mar.	16	Referred for review	839
Mar.	20	Placed on Select File	864
Mar.	21	Referred for engrossment	882
Mar.	23	Correctly engrossed	925
Mar.	28	Final Reading	988
Mar.	28	Correctly enrolled. President signed	995
Mar.	29	Explanation of vote	1008
Mar.	29	Presented to Governor	1016
Apr.	2	Approved by Governor	1033

LEGISLATIVE BILL 178 By Simpson

Jan.	15	Read first time	133
Jan.	16	Referred to Committee on Agriculture and Environment	139
Jan.	24	Notice of hearing	208
Feb.	7	Placed on General File	349
Feb.	9	Bracketed	388
Feb.	16	Referred for review	469
Feb.	20	Placed on Select File	491
Feb.	21	Referred for engrossment	526
Feb.	22	Correctly engrossed	540
Feb.	27	Final Reading	600
Feb.	28	Speaker signed	633
Mar.	1	Presented to Governor	638
Mar.	5	Approved by Governor	677

LEGISLATIVE BILL 179 By Carpenter

Jan.	15	Read first time	133
Jan.	16	Referred to Committee on Miscellaneous Subjects	139
Feb.	1	Notice of hearing	301
Feb.	22	Placed on General File	544
Mar.	2	Bracketed	661
Apr.	3	Unbracketed	1089
Apr.	4	Laid over	1105
Apr.	4	Motion. Motion lost. Referred for review	1108
Apr.	5	Request	1131
Apr.	5	Placed on Select File	1139
Apr.	9	Referred for engrossment	1157
Apr.	11	Correctly engrossed	1219
Apr.	17	Final Reading	1312
Apr.	18	Correctly enrolled. President signed	1327
Apr.	18	Explanation of vote	1328
Apr.	18	Presented to Governor	1338
Apr.	30	Returned by Governor without signature	1394
May	1	Motion. Motion lost	1428

LEGISLATIVE BILL 180 By Johnson

Jan.	15	Read first time	133
Jan.	16	Referred to Committee on Public Works	139
Jan.	18	Notice of hearing	164
Jan.	24	Notice of hearing. Reset	215
Mar.	1	Placed on General File	649
Mar.	27	Bracketed	976

Apr.	3	Referred for review	1086
Apr.	5	Placed on Select File	1117
Apr.	9	Attorney General Opinion	1151
Apr.	9	Referred for engrossment	1157
Apr.	11	Replaced on Select File	1207
Apr.	12	Referred for engrossment	1234
Apr.	16	Attorney General Opinion	1264
Apr.	16	Correctly engrossed	1270
Apr.	18	Bracketed	1344
Apr.	30	Unbracketed. Motion. Motion lost. Final Reading	1407
May	1	Correctly enrolled. Speaker signed	1424
May	1	Presented to Governor	1431
May	2	Motion. Reconsidered	1460
May	3	Replaced on Select File. Referred for re-engrossment	1480
May	4	Correctly re-engrossed	1504
May	9	Final reading	1569
May	9	Correctly enrolled. Speaker signed	1576
May	9	Presented to Governor	1587
May	11	Approved by Governor	1640

LEGISLATIVE BILL 181 By Savage

Jan.	15	Read first time	133
Jan.	16	Referred to Committee on Banking, Commerce and Insurance	139
Jan.	23	Notice of hearing	204
Feb.	8	Placed on General File	366
Feb.	9	Referred for review	390
Feb.	13	Placed on Select File	410
Feb.	14	Referred for engrossment	438
Feb.	16	Correctly engrossed	465
Feb.	21	Final reading	520
Feb.	22	Correctly enrolled. President signed	540
Feb.	23	Presented to Governor	563
Feb.	27	Approved by Governor	589

LEGISLATIVE BILL 182 By Epke

Jan.	15	Read first time	133
Jan.	16	Referred to Committee on Agriculture and Environment	139
Feb.	14	Notice of hearing	442
Mar.	12	Placed on General File	752
Mar.	23	Referred for review	921
Mar.	29	Placed on Select File	1013

Apr.	2	Referred for engrossment	1038
Apr.	3	Correctly engrossed	1073
Apr.	5	Final Reading	1125
Apr.	9	Correctly enrolled. President signed	1156
Apr.	9	Presented to Governor	1174
Apr.	11	Approved by Governor	1215

LEGISLATIVE BILL 182A By Epke

Mar.	21	Read first time. Placed on General File	891
Mar.	23	Referred for review	922
Mar.	29	Placed on Select File	1013
Apr.	2	Referred for engrossment	1038
Apr.	3	Correctly engrossed	1073
Apr.	5	Final Reading	1126
Apr.	9	Correctly enrolled. President signed	1156
Apr.	9	Presented to Governor	1174
Apr.	11	Approved by Governor	1215

LEGISLATIVE BILL 183 By C. Carsten

Jan.	15	Read first time	133
Jan.	16	Referred to Committee on Government, Military and Veteran's Affairs	139
Jan.	18	Notice of hearing	169
Jan.	30	Indefinitely postponed	267

LEGISLATIVE BILL 184 By Chambers

Jan.	15	Read first time	134
Jan.	16	Referred to Committee on Judiciary	139
Jan.	22	Notice of hearing	197
Feb.	12	Placed on General File	405
Feb.	15	Laid over	458
Feb.	20	Motion. Motion pending	508
Feb.	22	Bracketed	545
Feb.	27	Unbracketed. Motion renewed. Indefinitely postponed	615

LEGISLATIVE BILL 185 By Chambers

Jan.	15	Read first time	134
Jan.	16	Referred to Committee on Public Health and Welfare	139
Jan.	25	Notice of hearing	228
Feb.	9	Placed on General File	392
Feb.	13	Motion. Motion pending	422

Feb. 14 Motion withdrawn. Bracketed 446
Mar. 16 Bracketed 833
Mar. 22 Motion. Motion pending. Indefinitely postponed 907

LEGISLATIVE BILL 186 By Kremer

Jan. 15 Read first time 134
Jan. 16 Referred to Committee on Public Works 139
Jan. 17 Notice of hearing 160
Feb. 20 Placed on General File 499
Feb. 23 Referred for review 560
Feb. 27 Placed on Select File 592
Feb. 28 Referred for engrossment 627
Mar. 1 Replaced on Select File 638
Mar. 2 Referred for engrossment 659
Mar. 5 Correctly engrossed 670
Mar. 8 Final Reading 728
Mar. 12 Correctly enrolled. Speaker signed 750
Mar. 13 Presented to Governor 772
Mar. 14 Approved by Governor 799

LEGISLATIVE BILL 187 By Kremer

Jan. 15 Read first time 134
Jan. 16 Referred to Committee on Government, Military and Veteran's Affairs 139
Feb. 14 Notice of hearing 439
Feb. 27 Notice of hearing. Reset 602
Mar. 23 Placed on General File 925
May 15 Referred for review 1710
May 17 Placed on Select File 1760
May 17 Laid over 1775
May 17 Referred for engrossment 1776
May 18 Replaced on Select File 1784
May 18 Referred for engrossment 1789
May 23 Replaced on Select File 1826
May 23 Referred for engrossment. Correctly engrossed 1830
May 25 Final Reading 1902
May 25 Correclty enrolled. President signed 1915
May 25 Presented to Governor 1925
June 1 Approved by Governor 1935

LEGISLATIVE BILL 188 By Kremer

Jan.	15	Read first time	134
Jan.	16	Referred to Committee on Public Works	139
Jan.	17	Notice of hearing	160
Jan.	29	Placed on General File	249
Jan.	31	Bracketed	281
Feb.	2	Unbracketed	316
Feb.	2	Referred for review	317
Feb.	6	Placed on Select File	336
Feb.	7	Bracketed	350
Feb.	9	Unbracketed. Referred for engrossment	382
Feb.	13	Replaced on Select File	409
Feb.	14	Referred for engrossment	437
Feb.	15	Correctly engrossed	460
Feb.	20	Final Reading	494
Feb.	21	Correctly enrolled	518
Feb.	21	Speaker signed	530
Feb.	22	Presented to Governor	540
Feb.	27	Approved by Governor	589

LEGISLATIVE BILL 189 By Duis

Jan.	15	Read first time	135
Jan.	16	Referred to Committee on Public Works	139
Jan.	18	Notice of hearing	164
Jan.	24	Notice of hearing. Reset	215
Feb.	12	Placed on General File	399
Feb.	15	Laid over	457
Feb.	22	Referred for review	546
Feb.	26	Placed on Select File	568
Feb.	27	Referred for engrossment	603
Feb.	28	Correctly engrossed	623
Mar.	5	Final Reading	671
Mar.	6	Correctly enrolled. President signed	692
Mar.	8	Presented to Governor	733
Mar.	12	Explanation of vote	759
Mar.	14	Approved by Governor	799

LEGISLATIVE BILL 190 By Kremer

Jan.	15	Read first time	136
Jan.	16	Referred to Committee on Education	139
Feb.	2	Notice of hearing	322

LEGISLATIVE BILL 191 By Luedtke

Jan.	15	Read first time	137
Jan.	16	Referred to Committee on Judiciary	140
Jan.	22	Notice of hearing	197
Feb.	7	Placed on General File	363
Feb.	9	Referred for review	390
Feb.	13	Placed on Select File	410
Feb.	14	Referred for engrossment	438
Feb.	15	Correctly engrossed	460
Feb.	20	Final Reading	494
Feb.	21	Correctly enrolled	518
Feb.	21	Speaker signed	530
Feb.	22	Presented to Governor	540
Feb.	27	Approved by Governor	589

LEGISLATIVE BILL 192 By Luedtke

Jan.	15	Read first time	137
Jan.	16	Referred to Committee on Judiciary	140
Jan.	22	Notice of hearing	197
Feb.	7	Placed on General File	363
Feb.	9	Referred for review	390
Feb.	13	Placed on Select File	410
Feb.	14	Referred for engrossment	438
Feb.	15	Correctly engrossed	460
Feb.	20	Final Reading	495
Feb.	21	Correctly enrolled	518
Feb.	21	Speaker signed	530
Feb.	22	Presented to Governor	540
Feb.	27	Approved by Governor	589

LEGISLATIVE BILL 193 By Syas

Jan.	15	Read first time	140
Jan.	17	Referred to Committee on Labor	156
Jan.	29	Notice of hearing	241
Feb.	26	Placed on General File	569
Mar.	16	Bracketed	837
Mar.	19	Request. Laid over	858
Mar.	20	Motion. Motion pending. Bracketed	867
Mar.	27	Laid over	961
Mar.	27	Bracketed	965
Apr.	2	Motion pending. Laid over	1062
Apr.	3	Motion withdrawn. Referred for review	1086
Apr.	5	Placed on Select File	1116
Apr.	9	Referred for engrossment	1157

Apr.	11	Correctly engrossed	1219
Apr.	17	Final Reading	1313
Apr.	18	Correctly enrolled. President signed	1321
Apr.	18	Presented to Governor	1326
Apr.	30	Approved by Governor	1394

LEGISLATIVE BILL 194 By Syas

Jan.	16	Read first time	140
Jan.	17	Referred to Committee on Urban Affairs	156
Jan.	22	Re-referred to Committee on Agriculture and Environment	189
Jan.	29	Notice of hearing	251
Feb.	15	Placed on General File	454
Mar.	5	Laid over	675
Mar.	7	Motion. Motion lost. Referred for review	715
Mar.	12	Placed on Select File	749
Mar.	13	Referred for engrossment. Motion. Motion lost	779
Mar.	14	Correctly engrossed	791
Mar.	19	Motion. Motion lost. Final Reading	851
Mar.	20	Correctly enrolled. President signed	866
Mar.	21	Presented to Governor	878
Mar.	22	Approved by Governor	910

LEGISLATIVE BILL 195 By Syas

Jan.	16	Read first time	140
Jan.	17	Referred to Committee on Agriculture and Environment	156
Jan.	29	Notice of hearing	251
Feb.	23	Attorney General Opinion	551
Mar.	6	Indefinitely postponed	686

LEGISLATIVE BILL 196 By Keyes

Jan.	16	Read first time	141
Jan.	17	Referred to Committee on Public Works	156
Jan.	18	Notice of hearing	164
Feb.	7	Indefinitely postponed	351

LEGISLATIVE BILL 197 By Syas

Jan.	16	Read first time	141
Jan.	17	Referred to Committee on Education	156
Jan.	19	Notice of hearing	176
Feb.	2	Placed on General File	316

Feb. 6	Considered	344
Feb. 7	Motion. Motion lost. Bracketed	357
Feb. 14	Co-Introducer added. Co-Introducer withdrawn. Referred for review	440
Feb. 16	Placed on Select File	464
Feb. 19	Bracketed	481
Feb. 21	Motion. Referred for engrossment	526
Feb. 22	Motion. Replaced on Select File. Referred for engrossment	542
Feb. 23	Replaced on Select File	553
Feb. 26	Request. Objection. Referred for engrossment	580
Feb. 27	Correctly engrossed	601
Mar. 2	Failed on Final Reading	657
Mar. 2	Motion. Motion pending	663
Mar. 6	Attorney General Opinion	683
Mar. 8	Motion withdrawn	734
Mar. 12	Explanation of vote	759

LEGISLATIVE BILL 198 By Cavanaugh, Anderson

Jan. 16	Read first time	141
Jan. 17	Referred to Committee on Constitutional Revision and Recreation	156
Jan. 18	Notice of hearing	168
Jan. 29	Placed on General File	250
Feb. 2	Referred for review	317
Feb. 6	Placed on Select File	336
Feb. 7	Referred for engrossment	350
Feb. 8	Replaced on Select File	366
Feb. 9	Referred for engrossment	383
Feb. 12	Correctly engrossed	397
Feb. 14	Final Reading	436
Feb. 15	Correctly enrolled. President signed	449
Feb. 16	Presented to Governor	468
Feb. 19	Approved by Governor	474

LEGISLATIVE BILL 199 By Administrative Rules and Regulations Committee

Jan. 16	Read first time	141
Jan. 17	Referred to Committee on Public Works	156
Jan. 24	Notice of hearing	215
Feb. 20	Indefinitely postponed	499

LEGISLATIVE BILL 200 By Stull

Jan.	16	Read first time	141
Jan.	17	Referred to Committee on Appropriations	156
Jan.	19	Notice of hearing	177
Jan.	29	Placed on General File	240
Jan.	31	Motion. Referred for review	279
Feb.	2	Placed on Select File	313
Feb.	5	Referred for engrossment	330
Feb.	6	Replaced on Select File	336
Feb.	7	Referred for engrossment	350
Feb.	8	Correctly engrossed	370
Feb.	13	Final Reading	415
Feb.	14	Correctly enrolled. President signed	437
Feb.	15	Presented to Governor	449
Feb.	19	Approved by Governor	474

LEGISLATIVE BILL 200A By Stull

Jan.	31	Read first time. Placed on General File	275
Feb.	2	Referred for review	317
Feb.	6	Placed on Select File	336
Feb.	7	Referred for engrossment	350
Feb.	8	Correctly engrossed	370
Feb.	13	Final Reading	415
Feb.	14	Correctly enrolled. President signed	437
Feb.	15	Presented to Governor	449
Feb.	19	Approved by Governor	474

LEGISLATIVE BILL 201 By Kime

Jan.	16	Read first time	141
Jan.	17	Referred to Committee on Agriculture and Environment	156
Jan.	25	Notice of hearing	224
Feb.	7	Placed on General File	350
Feb.	9	Referred for review	389
Feb.	13	Placed on Select File	410
Feb.	14	Bracketed	438
Feb.	15	Unbracketed. Referred for engrossment	455
Feb.	16	Replaced on Select File	463
Feb.	16	Referred for engrossment. Motion. Replaced on Select File	467
Feb.	16	Referred for engrossment	468
Feb.	20	Correctly engrossed	491
Mar.	5	Final Reading	672

Mar.	6	Correctly enrolled. President signed	692
Mar.	8	Presented to Governor	733
Mar.	12	Explanation of vote	759
Mar.	14	Approved by Governor	799

LEGISLATIVE BILL 201A By Kime

Feb.	13	Read first time. Placed on General File	424
Feb.	15	Bracketed	456
Feb.	20	Bracketed	508
Feb.	22	Referred for review	545
Feb.	26	Placed on Select File	568
Feb.	27	Referred for engrossment	603
Feb.	28	Correctly engrossed	623
Mar.	5	Final Reading	672
Mar.	6	Correctly enrolled. President signed	692
Mar.	8	Presented to Governor	733
Mar.	12	Explanation of vote	759
Mar.	14	Approved by Governor	799

LEGISLATIVE BILL 202 By Judiciary Committee

Jan.	16	Read first time	141
Jan.	17	Referred to Committee on Judiciary	156
Jan.	29	Notice of hearing	251

LEGISLATIVE BILL 203 By Carpenter

Jan.	16	Read first time	142
Jan.	17	Referred to Committee on Miscellaneous Subjects	156
Jan.	22	Notice of hearing	188
Feb.	8	Indefinitely postponed	373

LEGISLATIVE BILL 204 By Executive Board

Jan.	16	Read first time	143
Jan.	17	Placed on General File	156
Jan.	17	Motion. Motion lost. Referred for review	158
Jan.	18	Motion. Motion lost	165
Jan.	19	Placed on Select File	174
Jan.	22	Bracketed. Request	196
Jan.	29	Unbracketed. Motion	250
Jan.	30	Motion. Motion lost	266
Feb.	1	Referred to Committee on Government, Military and Veteran's Affairs	288
Mar.	14	Notice of hearing	797

LEGISLATIVE BILL 205 By Executive Board

Jan.	16	Read first time	143
Jan.	17	Referred to Committee on Judiciary	156
Jan.	29	Notice of hearing	251
Feb.	12	Indefinitely postponed	404

LEGISLATIVE BILL 206 By Kennedy, Hasebroock

Jan.	16	Read first time	143
Jan.	17	Referred to Committee on Public Works	156
Jan.	29	Notice of hearing	250
Feb.	20	Placed on General File	500
Feb.	23	Referred for review	560
Feb.	27	Placed on Select File	592
Feb.	28	Referred for engrossment	627
Mar.	1	Replaced on Select File	638
Mar.	2	Referred for engrossment	659
Mar.	6	Correctly engrossed	692
Mar.	8	Bracketed	727
Mar.	13	Bracketed	787
Mar.	19	Unbracketed. Motion. Replaced on Select File	851
Mar.	19	Referred for re-engrossment	857
Mar.	22	Replaced on Select File	898
Mar.	23	Referred for re-engrossment	917
Mar.	27	Correctly re-engrossed	978
Apr.	2	Final Reading	1034
Apr.	3	Correctly enrolled. President signed	1065
Apr.	4	Presented to Governor. Explanation of vote	1101
Apr.	9	Approved by Governor	1176

LEGISLATIVE BILL 207 By Marsh

Jan.	16	Read first time	143
Jan.	17	Referred to Committee on Judiciary	156
Jan.	29	Notice of hearing	252
Mar.	6	Indefinitely postponed	700
Mar.	12	Motion. Placed on General File	760
Mar.	29	Request. Referred for review	1027
Apr.	4	Placed on Select File	1094
Apr.	5	Referred for engrossment	1133
Apr.	5	Replaced on Select File	1139
Apr.	9	Attorney General Opinion	1147
Apr.	9	Referred for engrossment	1158

Apr.	9	Referred for engrossment	1158
Apr.	10	Replaced on Select File	1184
Apr.	11	Referred for engrossment	1213
Apr.	16	Correctly engrossed	1270
Apr.	18	Final Reading	1344
Apr.	18	Explanation of vote	1354
Apr.	18	Correctly enrolled. President signed	1374
Apr.	19	Presented to Governor	1377
Apr.	30	Approved by Governor	1394

LEGISLATIVE BILL 208 By Fellman

Jan.	16	Read first time	144
Jan.	17	Referred to Committee on Public Health and Welfare	156
Jan.	23	Request. Laid over	204
Jan.	24	Request renewed. Withdrawn	213

LEGISLATIVE BILL 209 By Cavanaugh

Jan.	16	Read first time	144
Jan.	17	Referred to Committee on Urban Affairs	156
Jan.	23	Request. Laid over	204
Jan.	24	Request renewed. Withdrawn	213

LEGISLATIVE BILL 210 By Waldron

Jan.	16	Read first time	144
Jan.	17	Referred to Committee on Revenue	156
Jan.	19	Notice of hearing	176
Feb.	13	Placed on General File	423
Mar.	1	Referred for review	651
Mar.	5	Placed on Select File	670
Mar.	6	Referred for engrossment	693
Mar.	7	Correctly engrossed	718
Mar.	13	Final Reading	774
Mar.	14	Correctly enrolled. President signed	791
Mar.	15	Presented to Governor	805
Mar.	19	Approved by Governor	845

LEGISLATIVE BILL 211 By F. Lewis

Jan.	16	Read first time	144
Jan.	17	Referred to Committee on Labor	156
Jan.	23	Request. Laid over	204
Jan.	24	Request renewed. Withdrawn	213

LEGISLATIVE BILL 212 By Interim Study Committee

Jan. 16	Read first time	144
Jan. 17	Referred to Committee on Miscellaneous Subjects	156
Feb. 19	Notice of hearing	484
Apr. 3	Placed on General File	1065

LEGISLATIVE BILL 213 By Richendifer

Jan. 17	Read first time	152
Jan. 19	Referred to Committee on Public Works	173
Jan. 24	Notice of hearing	215
Feb. 12	Placed on General File	399
Feb. 15	Laid over	457
Feb. 22	Motion. Motion lost. Referred for review	546
Feb. 26	Placed on Select File	568
Feb. 27	Referred for engrossment	603
Feb. 28	Correctly engrossed	623
Mar. 5	Final Reading	673
Mar. 6	Correctly enrolled. President signed	692
Mar. 8	Presented to Governor	733
Mar. 12	Explanation of vote	759
Mar. 14	Approved by Governor	799

LEGISLATIVE BILL 214 By Nebraska Retirement Systems Committee

Jan. 17	Read first time	153
Jan. 19	Referred to Committee on Nebraska Retirement Systems	173
Jan. 30	Notice of hearing	263
Feb. 12	Placed on General File	403
Feb. 15	Referred for review	457
Feb. 19	Placed on Select File	476
Feb. 20	Referred for engrossment	498
Feb. 21	Correctly engrossed	530
Feb. 26	Final Reading	573
Feb. 27	Correctly enrolled	601
Feb. 27	Speaker signed	602
Feb. 28	Presented to Governor	623
Mar. 5	Approved by Governor	677

LEGISLATIVE BILL 215 By Nebraska Retirement Systems Committee

Jan. 17	Read first time	153
Jan. 19	Referred to Committee on Nebraska Retirement Systems	173

Jan. 30	Notice of hearing	264
Feb. 20	Placed on General File	499
Feb. 23	Referred for review	560
Feb. 27	Placed on Select File	592
Feb. 28	Referred for engrossment	627
Mar. 2	Correctly engrossed	656
Mar. 7	Final Reading	705
Mar. 8	Correctly enrolled. President signed	733
Mar. 12	Presented to Governor	750
Mar. 14	Approved by Governor	799

LEGISLATIVE BILL 216 By Nebraska Retirement Systems Committee

Jan. 17	Read first time	153
Jan. 19	Referred to Committee on Nebraska Retirement Systems	173
Jan. 30	Notice of hearing	264
Feb. 16	Placed on General File	464
Feb. 23	Referred for review	559
Feb. 27	Placed on Select File	591
Feb. 28	Referred for engrossment	626
Mar. 1	Replaced on Select File	638
Mar. 2	Referred for engrossment	659
Mar. 5	Correctly engrossed	670
Mar. 8	Final Reading	729
Mar. 12	Correctly enrolled. Speaker signed	750
Mar. 13	Presented to Governor	772
Mar. 14	Approved by Governor	799

LEGISLATIVE BILL 217 By Chambers

Jan. 17	Read first time	153
Jan. 19	Referred to Committee on Government, Military and Veteran's Affairs	173
Mar. 14	Notice of hearing	797
Mar. 23	Placed on General File	928

LEGISLATIVE BILL 218 By Chambers

Jan. 17	Read first time	153
Jan. 19	Referred to Committee on Education	173
Jan. 29	Notice of hearing	254
Feb. 8	Indefinitely postponed	369

LEGISLATIVE BILL 219 By Chambers

Jan.	17	Read first time	153
Jan.	19	Referred to Committee on Government, Military and Veteran's Affairs	173
Feb.	1	Notice of hearing	301
Feb.	13	Placed on General File	424
Mar.	5	Laid over	675
Mar.	6	Motion. Indefinitely postponed	697

LEGISLATIVE BILL 220 By Government, Military and Veteran's Affairs Committee

Jan.	17	Read first time	154
Jan.	19	Referred to Committee on Government, Military and Veteran's Affairs	173
Jan.	24	Notice of hearing	207
Mar.	19	Placed on General File	856
Apr.	5	Referred for review	1144
Apr.	9	Placed on Select File	1171
Apr.	10	Referred for engrossment	1191
Apr.	12	Motion. Replaced on Select File	1236
Apr.	12	Referred for engrossment	1237
Apr.	12	Replaced on Select File	1256
Apr.	12	Referred for engrossment	1258
Apr.	17	Correctly engrossed	1295
Apr.	30	Final Reading	1401
May	1	Correctly enrolled. Speaker signed	1424
May	1	Presented to Governor	1431
May	3	Approved by Governor	1483

LEGISLATIVE BILL 221 By Kremer

Jan.	17	Read first time	154
Jan.	19	Referred to Committee on Public Health and Welfare	173
Jan.	25	Notice of hearing	228
Jan.	29	Notice of hearing. Cancelled	251
Feb.	2	Notice of hearing. Reset	313
Mar.	1	Indefinitely postponed	639

LEGISLATIVE BILL 222 By Kremer

Jan.	17	Read first time	154
Jan.	19	Referred to Committee on Public Health and Welfare	173

Jan.	25	Notice of hearing	228
Jan.	29	Notice of hearing. Cancelled	251
Feb.	2	Notice of hearing. Reset	313
Mar.	1	Indefinitely postponed	640

LEGISLATIVE BILL 223 By Kennedy

Jan.	17	Read first time	154
Jan.	19	Referred to Committee on Judiciary	173
Jan.	31	Notice of hearing	282
Mar.	20	Placed on General File	871
Apr.	5	Bracketed	1145
Apr.	30	Unbracketed. Returned to Committee	1421

LEGISLATIVE BILL 224 By Marsh

Jan.	17	Read first time	154
Jan.	19	Placed on General File	173
Jan.	22	Request	197
Jan.	24	Referred to Committee on Miscellaneous Subjects	208
Feb.	1	Notice of hearing	301
Feb.	21	Placed on General File	530
Feb.	23	Referred for review	560
Feb.	27	Placed on Select File	593
Feb.	28	Referred for engrossment	627
Mar.	2	Replaced on Select File	654
Mar.	5	Referred for engrossment	675
Mar.	6	Correctly engrossed	692
Mar.	12	Final Reading	755
Mar.	13	Correctly enrolled. President signed	772
Mar.	14	Presented to Governor	790
Mar.	15	Approved by Governor	821

LEGISLATIVE BILL 225 By Stahmer

Jan.	17	Read first time	155
Jan.	19	Referred to Committee on Urban Affairs	173
Feb.	5	Notice of hearing	331
Apr.	9	Placed on General File	1175
Apr.	12	Referred for review	1241
Apr.	16	Placed on Select File	1270
Apr.	17	Referred for engrossment	1316
Apr.	19	Correctly engrossed	1383
May	2	Final Reading	1445
May	2	Correctly enrolled. Speaker signed	1454
May	2	Presented to Governor	1457
May	4	Approved by Governor	1500

LEGISLATIVE BILL 226 By Judiciary Committee

Jan.	17	Read first time	155
Jan.	19	Referred to Committee on Judiciary	173
Jan.	22	Notice of hearing	197
Mar.	19	Placed on General File	855
Apr.	5	Referred for review	1143
Apr.	9	Placed on Select File	1169
Apr.	10	Referred for engrossment	1190
Apr.	11	Replaced on Select File	1207
Apr.	12	Referred for engrossment	1234
Apr.	16	Replaced on Select File	1266
Apr.	17	Referred for engrossment	1315
Apr.	30	Replaced on Select File	1397
May	1	Referred for engrossment	1430
May	1	Correctly engrossed	1439
May	3	Final Reading	1473
May	3	Correctly enrolled. Speaker signed	1487
May	3	Presented to Governor	1489
May	7	Approved by Governor	1512

LEGISLATIVE BILL 227 By Judiciary Committee

Jan.	17	Read first time	155
Jan.	19	Referred to Committee on Judiciary	173
Jan.	22	Notice of hearing	197
Feb.	8	Placed on General File	373
Feb.	13	Referred for review	421
Feb.	15	Placed on Select File	450
Feb.	16	Referred for engrossment	467
Feb.	19	Correctly engrossed	476
Feb.	22	Final Reading	539
Feb.	23	Correctly enrolled. President signed	563
Feb.	26	Presented to Governor	567
Feb.	27	Approved by Governor	589

LEGISLATIVE BILL 228 By Judiciary Committee

Jan.	17	Read first time	155
Jan.	19	Referred to Committee on Judiciary	173
Jan.	29	Notice of hearing	251
Feb.	26	Placed on General File	583
Mar.	16	Referred for review	837
Mar.	20	Placed on Select File	863
Mar.	21	Referred for engrossment	881
Mar.	23	Correctly engrossed	925

May	3	Unbracketed. Motion. Replaced on Select File. Referred for re-engrossment	1481
May	4	Correctly re-engrossed	1504

LEGISLATIVE BILL 228A By Luedtke

Mar.	5	Read first time. Placed on General File	674
Mar.	16	Referred for review	837
Mar.	20	Placed on Select File	863
Mar.	21	Referred for engrossment	882
Mar.	26	Bracketed	941
May	8	Unbracketed. Motion. Replaced on Select File. Referred for engrossment	1558
May	9	Replaced on Select File	1569
May	10	Referred for engrossment	1604
May	14	Correctly engrossed	1666

LEGISLATIVE BILL 229 By Clark

Jan.	17	Read first time	155
Jan.	19	Referred to Committee on Education	173
Jan.	29	Notice of hearing	251
Feb.	22	Motion. Motion pending	545
Feb.	27	Indefinitely postponed	605
Feb.	28	Motion withdrawn. Motion. Motion lost	630

LEGISLATIVE BILL 230 By Hasebroock

Jan.	17	Read first time	156
Jan.	19	Referred to Committee on Public Works	173
Jan.	24	Notice of hearing	215
Jan.	25	Co-introducer added	224
Feb.	26	Placed on General File	584
Mar.	16	Laid over	839
Mar.	20	Bracketed	866

LEGISLATIVE BILL 231 By Kime

Jan.	17	Read first time	156
Jan.	19	Referred to Committee on Miscellaneous Subjects	173
Jan.	23	Notice of hearing	200
Feb.	13	Placed on General File	411
Feb.	15	Co-introducer added	454
Feb.	15	Co-introducer withdrawn	455
Feb.	23	Laid over	562

Feb.	26	Considered	586
Feb.	27	Referred for review	615
Mar.	1	Placed on Select File	639
Mar.	2	Referred for engrossment	659
Mar.	5	Replaced on Select File	669
Mar.	6	Referred for engrossment	693
Mar.	7	Correctly engrossed	718
Mar.	13	Failed on Final Reading	775
Mar.	19	Motion. Motion lost	855

LEGISLATIVE BILL 232 By Syas

Jan.	17	Read first time	156
Jan.	19	Referred to Committee on Constitutional Revision and Recreation	173
Jan.	29	Notice of hearing	249
Feb.	19	Placed on General File	477
Mar.	5	Referred for review	676
Mar.	7	Placed on Select File	704
Mar.	8	Referred for engrossment	734
Mar.	12	Correctly engrossed	749
Mar.	15	Laid over	807
Mar.	19	Final Reading	853
Mar.	20	Correctly enrolled. President signed	866
Mar.	21	Presented to Governor	878
Mar.	22	Approved by Governor	910

LEGISLATIVE BILL 233 By Richendifer

Jan.	17	Read first time	157
Jan.	19	Referred to Committee on Goverment, Military and Veteran's Affairs	173
Jan.	24	Notice of hearing	207
Apr.	2	Indefinitely postponed	1059

LEGISLATIVE BILL 234 By Fellman

Jan.	17	Read first time	158
Jan.	19	Referred to Committee on Banking, Commerce and Insurance	173
Jan.	23	Notice of hearing	204
Feb.	5	Placed on General File	326
Feb.	8	Laid over	372
Feb.	9	Referred for review	387
Feb.	13	Placed on Select File	409
Feb.	14	Referred for engrossment	437

Feb.	15	Replaced on Select File	449
Feb.	16	Referred for engrossment	466
Feb.	19	Correctly engrossed	476
Feb.	22	Bracketed	540
Mar.	8	Failed on Final Reading	730
Mar.	8	Motion	734
Mar.	8	Final Reading	735
Mar.	12	Correctly enrolled. Speaker signed	750
Mar.	13	Presented to Governor	772
Mar.	19	Approved by Governor	845

LEGISLATIVE BILL 235 By Schmit

Jan.	17	Read first time	158
Jan.	19	Referred to Committee on Public Health and Welfare	173
Jan.	25	Notice of hearing	228
Feb.	22	Placed on General File	542
Mar.	16	Bracketed	833
Mar.	22	Laid over	907
Mar.	22	Motion. Motion lost. Referred for review	908
Mar.	26	Placed on Select File	936
Mar.	27	Referred for engrossment	959
Mar.	28	Correctly engrossed	994
Apr.	3	Bracketed. Motion. Motion lost	1068
May	14	Bracketed	1667
May	25	Motion. Motion lost	1930
June	1	Unbracketed	1949
June	1	Failed on Final Reading	1950
June	1	Motion. Motion lost	1966

LEGISLATIVE BILL 235A By Schmit

Apr.	3	Read first time. Placed on General File	1089
Apr.	4	Referred for review	1108
Apr.	5	Placed on Select File	1140
Apr.	9	Referred for engrossment	1159
Apr.	9	Request	1160
Apr.	12	Correctly engrossed	1246
May	12	Bracketed	1667
May	25	Motion. Motion lost	1930
June	1	Unbracketed	1949
June	1	Failed on Final Reading	1951
June	1	Motion. Motion lost	1966

LEGISLATIVE BILL 236 By Goodrich

Jan.	18	Read first time	164
Jan.	19	Referred to Committee on Government, Military and Veteran's Affairs	173
Jan.	23	Referred to Committee on Nebraska Retirement Systems. Correction	199
Mar.	1	Notice of hearing	647
Apr.	9	Placed on General File	1153
May	15	Referred for review	1709
May	17	Placed on Select File	1759
May	17	Referred for engrossment	1774
May	18	Correctly engrossed	1811
May	24	Final Reading	1890
May	24	Correctly enrolled. President signed	1897
May	25	Presented to Governor	1900
May	25	Explanation of vote	1927
June	1	Returned by Governor without approval	1936
June	1	Motion. Motion lost	1967

LEGISLATIVE BILL 237 By Judiciary Committee

Jan.	18	Read first time	164
Jan.	19	Referred to Committee on Judiciary	173
Jan.	29	Notice of hearing	252
Mar.	26	Placed on General File	942

LEGISLATIVE BILL 238 By Wiltse

Jan.	18	Read first time	164
Jan.	19	Referred to Committee on Education	173
Jan.	29	Notice of hearing	251
Mar.	22	Placed on General File	910
Apr.	30	Bracketed	1415

LEGISLATIVE BILL 239 By Maresh

Jan.	18	Read first time	166
Jan.	19	Referred to Committee on Public Health and Welfare	173
Jan.	25	Notice of hearing	228
Feb.	12	Placed on General File	406
Feb.	23	Referred for review	559
Feb.	27	Placed on Select File	589
Feb.	28	Referred for engrossment	626
Mar.	1	Replaced on Select File	638

Mar.	2	Referred for engrossment	659
Mar.	5	Correctly engrossed	670
Mar.	8	Final Reading	730
Mar.	12	Correctly enrolled. Speaker signed	750
Mar.	13	Presented to Governor	772
Mar.	14	Approved by Governor	799

LEGISLATIVE BILL 240 By Hasebroock

Jan.	18	Read first time	167
Jan.	19	Referred to Committee on Public Works	173
Jan.	24	Notice of hearing	215
Feb.	12	Placed on General File	399
Feb.	15	Referred for review	457
Feb.	19	Placed on Select File	475
Feb.	20	Referred for engrossment	498
Feb.	21	Correctly engrossed	530
Feb.	26	Final Reading	573
Feb.	27	Correctly enrolled	601
Feb.	27	Speaker signed	602
Feb.	28	Presented to Governor	623
Mar.	5	Approved by Governor	677

LEGISLATIVE BILL 241 By Marsh

Jan.	18	Read first time	167
Jan.	19	Referred to Committee on Judiciary	173
Jan.	29	Notice of hearing	251
Feb.	12	Placed on General File	405
Feb.	23	Referred for review	558
Feb.	27	Placed on Select File	589
Feb.	28	Referred for engrossment	626
Mar.	1	Replaced on Select File	638
Mar.	2	Referred for engrossment	659
Mar.	5	Replaced on Select File	669
Mar.	6	Referred for engrossment	693
Mar.	7	Correctly engrossed	718
Mar.	13	Final Reading	776
Mar.	14	Correctly enrolled. President signed	791
Mar.	15	Presented to Governor	805
Mar.	16	Approved by Governor	839

LEGISLATIVE BILL 242 By Rasmussen

Jan.	18	Read first time	167
Jan.	19	Referred to Committee on Constitutional Revision and Recreation	173

Jan.	24	Notice of hearing	207
Feb.	9	Indefinitely postponed	392

LEGISLATIVE BILL 243 By Warner

Jan.	18	Read first time	167
Jan.	19	Referred to Committee on Public Health and Welfare	173
Jan.	29	Notice of hearing	251
Feb.	8	Placed on General File	367
Feb.	12	Motion. Motion lost	403
Feb.	13	Bracketed	420
Feb.	23	Laid over	558
Mar.	1	Laid over	648
Mar.	1	Referred for review	651
Mar.	5	Placed on Select File	669
Mar.	6	Referred for engrossment	693
Mar.	7	Correctly engrossed	718
Mar.	13	Final Reading	776
Mar.	14	Correctly enrolled. President signed	791
Mar.	15	Presented to Governor	805
Mar.	16	Approved by Governor	839

LEGISLATIVE BILL 244 By Simpson

Jan.	18	Read first time	167
Jan.	19	Referred to Committee on Government, Military and Veteran's Affairs	173
Jan.	24	Notice of hearing	207
Mar.	15	Placed on General File	820
Apr.	5	Referred for engrossment	1142
Apr.	9	Placed on Select File	1167
Apr.	10	Referred for engrossment	1189
Apr.	12	Replaced on Select File	1224
Apr.	12	Referred for engrossment	1257
Apr.	17	Correctly engrossed	1295
Apr.	30	Final Reading	1401
May	1	Correctly enrolled. Speaker signed	1424
May	1	Presented to Governor	1431
May	3	Approved by Governor	1483

LEGISLATIVE BILL 245 By Cavanaugh

Jan.	18	Read first time	167
Jan.	19	Referred to Committee on Public Works	173
Jan.	24	Notice of hearing	215
Feb.	7	Placed on General File	351
Feb.	9	Referred for review	389

Feb.	13	Placed on Select File	410
Feb.	14	Referred for engrossment	438
Feb.	16	Correctly engrossed	465
Feb.	21	Final Reading	521
Feb.	22	Correctly enrolled. Speaker signed	540
Feb.	23	Presented to Governor	563
Feb.	27	Approved by Governor	589

LEGISLATIVE BILL 246 By Executive Board

Jan.	18	Read first time	168
Jan.	19	Referred to Committee on Miscellaneous Subjects	173
Feb.	1	Notice of hearing	301
Feb.	22	Placed on General File	544
Feb.	23	Referred for review	561
Feb.	27	Placed on Select File	593
Feb.	28	Referred for engrossment	628
Feb.	29	Bracketed	635
Apr.	9	Motion. Motion lost	1173
Apr.	11	Motion. Returned to Committee	1218
May	7	Placed on General File	1526
May	8	Request	1562
May	11	Referred for review	1641
May	15	Placed on Select File	1714
May	15	Referred for engrossment	1716
May	16	Replaced on Select File	1725
May	16	Referred for engrossment	1728
May	17	Correctly engrossed	1760
May	24	Final Reading	1875
May	24	Correctly enrolled. President signed	1884
May	24	Presented to Governor	1888
May	25	Returned by Governor without approval	1904
May	25	Motion. Passed over Governor's veto	1905
May	25	Delivered to Secretary of State	1912
May	25	Letter	1913

LEGISLATIVE BILL 247 By Goodrich

Jan.	19	Read first time	174
Jan.	22	Referred to Committee on Banking, Commerce and Insurance	189
Jan.	23	Notice of hearing	204
Jan.	31	Placed on General File	283
Feb.	6	Laid over	342
Feb.	7	Laid over	357
Feb.	8	Referred for review	371
Feb.	12	Placed on Select File	396

Feb. 13	Referred for engrossment	418
Feb. 14	Replaced on Select File	427
Feb. 15	Referred for engrossment	455
Feb. 16	Correctly engrossed	465
Feb. 21	Final Reading	522
Feb. 22	Correctly enrolled. Speaker signed	540
Feb. 23	Presented to Governor	563
Feb. 27	Approved by Governor	589

LEGISLATIVE BILL 248 By Goodrich

Jan. 19	Read first time	174
Jan. 22	Referred to Committee on Education	189
Feb. 2	Notice of hearing	322
Feb. 27	Placed on General File	605
Mar. 2	Laid over	662
Mar. 16	Referred for review	841
Mar. 20	Placed on Select File	865
Mar. 21	Referred for engrossment	882
Mar. 23	Correctly engrossed	925
Mar. 28	Final Reading	988
Mar. 28	Correctly enrolled. President signed	995
Mar. 29	Presented to Governor	1016
Apr. 2	Approved by Governor	1033

LEGISLATIVE BILL 249 By Executive Board

Jan. 19	Read first time	174
Jan. 22	Referred to Committee on Banking, Commerce and Insurance	189
Jan. 23	Notice of hearing	204
Feb. 5	Placed on General File	327
Feb. 8	Laid over	372
Feb. 8	Referred for review	373
Feb. 12	Placed on Select File	396
Feb. 13	Referred for engrossment	418
Feb. 14	Replaced on Select File	427
Feb. 15	Referred for engrossment	455
Feb. 16	Correctly engrossed	465
Feb. 19	Motion. Motion pending. Bracketed	482
Feb. 21	Motion renewed. Motion lost. Motion. Replaced on Select File	523
Feb. 21	Referred for re-engrossment	526
Feb. 22	Replaced on Select File	547
Feb. 23	Referred for re-engrossment	557
Feb. 26	Correctly re-engrossed	568
Mar. 1	Final Reading	641

Mar. 1	Correctly enrolled. Speaker signed. Explanation of vote	647
Mar. 2	Presented to Governor	656
Mar. 5	Approved by Governor	677

LEGISLATIVE BILL 250 By Nebraska Retirement Systems Committee

Jan. 19	Read first time	174
Jan. 22	Referred to Committee on Nebraska Retirement Systems	189
Feb. 26	Notice of hearing	567
Mar. 6	Placed on General File	699
Mar. 23	Referred for review	921
Mar. 28	Placed on Select File	987
Mar. 29	Referred for engrossment	1009
Apr. 2	Correctly engrossed	1033
Apr. 5	Final Reading	1117
Apr. 9	Correctly enrolled. President signed	1156
Apr. 9	Presented to Governor	1174
Apr. 11	Approved by Governor	1215

LEGISLATIVE BILL 251 By Savage

Jan. 19	Read first time	174
Jan. 22	Referred to Committee on Education	189
Jan. 29	Notice of hearing	254
Feb. 8	Indefinitely postponed	369

LEGISLATIVE BILL 252 By Goodrich

Jan. 19	Read first time	175
Jan. 22	Referred to Committee on Education	189
Jan. 29	Notice of hearing	254
Feb. 8	Placed on General File	369
Feb. 12	Laid over	403
Feb. 14	Referred for review	440
Feb. 16	Placed on Select File	464
Feb. 19	Referred for engrossment	481
Feb. 19	Motion. Motion lost	482
Feb. 20	Correctly engrossed	491
Feb. 23	Motion. Motion lost. Final Reading	556
Feb. 26	Correctly enrolled	568
Feb. 26	President signed	569
Feb. 27	Presented to Governor	601
Mar. 5	Approved by Governor	677

LEGISLATIVE BILL 253 By Appropriations Committee

Jan.	19	Read first time. Motion. Placed on General File	175
Jan.	22	Placed on General File	189
Jan.	22	Referred for review	198
Jan.	24	Placed on Select File	209
Jan.	25	Referred for engrossment	223
Jan.	26	Correctly engrossed	236
Jan.	31	Final Reading	274
Feb.	1	Correctly enrolled. President signed. Request	291
Feb.	1	Presented to Governor	300
Feb.	2	Approved by Governor	321

LEGISLATIVE BILL 254 By Interim Study Committee

Jan.	19	Read first time	177
Jan.	22	Referred to Committee on Agriculture and Environment	189
Feb.	14	Notice of hearing	442
Feb.	27	Placed on General File	618
Mar.	27	Referred for review	961
Apr.	2	Placed on Select File	1045
Apr.	3	Referred for engrossment	1075
Apr.	5	Correctly engrossed	1135
Apr.	11	Final Reading	1209
Apr.	12	Correctly enrolled	1223
Apr.	12	Speaker signed	1224
Apr.	12	Presented to Governor	1244
Apr.	17	Approved by Governor	1302

LEGISLATIVE BILL 254A By Schmit

Apr.	3	Read first time. Placed on General File	1077
Apr.	4	Referred for review	1108
Apr.	5	Placed on Select File	1140
Apr.	9	Referred for engrossment	1158
Apr.	12	Correctly engrossed	1246
May	14	Bracketed	1667

LEGISLATIVE BILL 255 By Interim Study Committee

Jan.	19	Read first time	177
Jan.	22	Referred to Committee on Constitutional Revision and Recreation	189
Jan.	24	Notice of hearing	207

Feb. 12	Placed on General File	397
Feb. 15	Laid over	457
Feb. 16	Considered	471
Feb. 22	Bracketed	545
Mar. 5	Bracketed	675
Mar. 12	Laid over	768
Mar. 14	Motion. Motion pending	798
Mar. 15	Motion renewed. Indefinitely postponed	816

LEGISLATIVE BILL 256 By Proud

Jan. 19	Read first time	186
Jan. 22	Referred to Committee on Appropriations	189
Feb. 20	Notice of hearing	509
May 9	Placed on General File	1586
May 14	Considered	1680
May 14	Considered	1689
May 14	Motion. Motion lost	1691
May 14	Considered	1692
May 14	Motion. Motion lost	1695
May 15	Motion. Motion lost. Motion. Referred for review	1698
May 16	Placed on Select File	1735
May 16	Referred for engrossment	1736
May 17	Motion. Motion lost	1764
May 18	Motion. Replaced on Select File	1781
May 18	Motion. Reconsidered	1783
May 18	Replaced on Select File	1784
May 18	Referred for engrossment	1789
May 23	Correctly engrossed	1816
May 25	Final Reading	1903
May 25	Correctly enrolled. President signed	1915
May 25	Presented to Governor	1925
June 1	Approved by Governor. Line item veto	1944
June 1	Message from Governor	1946
June 1	Motion. Motion lost	1948
June 1	Motion. Motion lost	1963

LEGISLATIVE BILL 257 By Proud at req. of Governor

Jan. 19	Read first time	186
Jan. 22	Referred to Committee on Appropriations	189
Feb. 20	Notice of hearing	509
Mar. 7	Placed on General File	718
Mar. 29	Bracketed	1018
Apr. 2	Laid over	1062
Apr. 3	Laid over	1086

Apr.	4	Laid over	1110
Apr.	9	Referred for review	1180
Apr.	11	Placed on Select File	1208
Apr.	12	Referred for engrossment	1235
Apr.	16	Correctly engrossed	1270
Apr.	18	Final Reading	1345
Apr.	18	Correctly enrolled. President signed	1374
Apr.	19	Presented to Governor	1377
Apr.	30	Approved by Governor	1394

LEGISLATIVE BILL 258 By Proud at req. of Governor

Jan.	19	Read first time	186
Jan.	22	Referred to Committee on Appropriations	189
Feb.	20	Notice of hearing	509
Mar.	7	Placed on General File	718
Mar.	29	Referred for review	1026
Apr.	4	Placed on Select File	1094
Apr.	5	Referred for engrossment	1132
Apr.	10	Correctly engrossed	1198
Apr.	17	Final Reading	1036
Apr.	18	Correctly enrolled. President signed	1321
Apr.	18	Presented to Governor	1326
Apr.	30	Approved by Governor	1394

LEGISLATIVE BILL 259 By Proud at req. of Governor

Jan.	15	Message from Governor	178
Jan.	19	Read first time	186
Jan.	22	Referred to Committee on Appropriations	189
Jan.	30	Notice of hearing	264
Feb.	9	Notice of hearing. Continued	385
Feb.	12	Notice of hearing. Continued	406
Feb.	12	Notice of hearing. Continued	407
Apr.	2	Placed on General File	1045
Apr.	9	Bracketed	1180
Apr.	11	Request	1220
Apr.	16	Referred for review	1283
Apr.	16	Placed on Select File. Referred for engrossment	1284
Apr.	17	Correctly engrossed	1295
Apr.	19	Motion. Motion lost	1379
Apr.	19	Motion. Motion lost. Motion. Motion lost	1380
Apr.	19	Final Reading	1382
Apr.	19	Correctly enrolled. President signed	1389
Apr.	30	Presented to Governor	1393
Apr.	30	Approved by Governor	1397

LEGISLATIVE BILL 260 By Cavanaugh

Jan.	19	Read first time	186
Jan.	22	Referred to Committee on Labor	189
Jan.	29	Notice of hearing	241
Mar.	14	Indefinitely postponed	792

LEGISLATIVE BILL 261 By Schmit

Jan.	19	Read first time	187
Jan.	22	Referred to Committee on Public Health and Welfare	189
Feb.	1	Re-referred to Committee on Judiciary	289
Feb.	21	Notice of hearing	529
Mar.	8	Attorney General Opinion	722
Apr.	9	Placed on General File	1181
May	15	Referred for review	1710
May	17	Placed on Select File	1760
May	17	Referred for engrossment	1774
May	18	Correctly engrossed	1811
May	24	Final Reading	1891
May	24	Correctly enrolled. President signed	1897
May	25	Presented to Governor	1900
June	1	Approved by Governor	1935

LEGISLATIVE BILL 262 By Barnett

Jan.	22	Read first time	190
Jan.	24	Referred to Committee on Labor	208
Jan.	29	Notice of hearing	241
Mar.	5	Indefinitely postponed	680

LEGISLATIVE BILL 263 By Interim Study Committee

Jan.	22	Read first time	197
Jan.	24	Referred to Committee on Agriculture and Environment	208
Jan.	29	Notice of hearing	251
Feb.	22	Placed on General File	544
Feb.	23	Referred for review	560
Feb.	27	Placed on Select File	593
Feb.	28	Referred for engrossment	627
Mar.	2	Correctly engrossed	656
Mar.	7	Final Reading	706
Mar.	8	Correctly enrolled. President signed	733
Mar.	12	Presented to Governor	750
Mar.	14	Approved by Governor	799

LEGISLATIVE BILL 264 By Fowler

Jan. 23	Read first time	201
Jan. 24	Referred to Committee on Education	208
Feb. 21	Notice of hearing	529
Mar. 29	Indefinitely postponed	1006

LEGISLATIVE BILL 265 By Fowler

Jan. 23	Read first time	202
Jan. 24	Referred to Committee on Labor	208
Feb. 2	Notice of hearing	322
Mar. 5	Placed on General File	680
Mar. 27	Considered	979
Mar. 27	Motion. Motion lost	980
Mar. 29	Referred for review	1017
Apr. 4	Placed on Select File	1093
Apr. 5	Referred for engrossment	1132
Apr. 9	Replaced on Select File	1166
Apr. 10	Referred for engrossment	1189
Apr. 11	Correctly engrossed	1219
Apr. 17	Final Reading	1314
Apr. 18	Correctly enrolled. President signed	1321
Apr. 18	Presented to Governor	1326
Apr. 30	Approved by Governor	1394

LEGISLATIVE BILL 266 By Snyder

Jan. 23	Read first time	202
Jan. 24	Referred to Committee on Labor	208
Feb. 2	Notice of hearing	322
Mar. 5	Placed on General File	680
Apr. 3	Referred for review	1088
Apr. 30	Placed on Select File	1398
May 1	Referred for engrossment	1431
May 2	Replaced on Select File	1455
May 3	Referred for engrossment	1484
May 4	Correctly engrossed	1504
May 9	Final Reading	1570
May 9	Correctly enrolled. Speaker signed	1576
May 9	Presented to Governor	1587
May 11	Approved by Governor	1640

LEGISLATIVE BILL 267 By Warner

Jan. 23	Read first time	202
Jan. 24	Referred to Committee on Government, Military and Veteran's Affairs	208

Feb.	6	Notice of hearing	345
Mar.	23	Placed on General File	928
May	1	Bracketed	1431
May	8	Laid over	1562
May	11	Motion. Motion lost. Referred for review	1643
May	15	Placed on Select File	1713
May	15	Referred for engrossment	1716
May	16	Replaced on Select File	1725
May	16	Referred for engrossment	1727
May	17	Replaced on Select File	1752
May	17	Referred for engrossment	1757
May	18	Replaced on Select File	1784
May	18	Refered for engrossment	1789
May	23	Correctly engrossed	1816
May	25	Final Reading	1903
May	25	Correctly enrolled. President signed	1915
May	25	Presented to Governor	1925
June	1	Approved by Governor	1935

LEGISLATIVE BILL 268 By Rasmussen

Jan.	23	Read first time	202
Jan.	24	Referred to Committee on Judiciary	208
Feb.	2	Notice of hearing	322
Mar.	6	Placed on General File	700
Mar.	15	Request. Bracketed	817
Mar.	20	Request. Referred for review	866
Mar.	21	Request	879
Mar.	29	Motion	1023
Apr.	3	Placed on Select File	1069
Apr.	4	Laid over	1098
Apr.	4	Laid over	1099
Apr.	4	Request. Motion. Reconsider. Motion. Motion lost. Referred for engrossment	1108
Apr.	9	Replaced on Select File	1165
Apr.	10	Referred for engrossment	1188
Apr.	12	Replaced on Select File	1254
Apr.	12	Referred for engrossment	1258
Apr.	16	Correctly engrossed	1270
Apr.	19	Final Reading	1378
Apr.	19	Correctly enrolled. President signed	1383
Apr.	30	Presented to Governor. Approved by Governor	1393
May	17	Attorney General Opinion	1751

LEGISLATIVE BILL 269 By Maresh

Jan.	23	Read first time	202
Jan.	24	Referred to Committee on Public Works	208
Jan.	29	Notice of hearing	250
Mar.	2	Placed on General File	664
Mar.	27	Indefinitely postponed	979

LEGISLATIVE BILL 270 By Simpson

Jan.	23	Read first time	202
Jan.	24	Referred to Committee on Labor	208
Feb.	2	Notice of hearing	322
Mar.	14	Indefinitely postponed	792

LEGISLATIVE BILL 271 By Interim Study Committee

Jan.	23	Read first time	202
Jan.	24	Referred to Committee on Public Health and Welfare	208
Jan.	25	Re-referred to Committee on Government, Military and Veteran's Affairs	224
Feb.	1	Notice of hearing	301
Mar.	28	Attorney General Opinion	992

LEGISLATIVE BILL 272 By Interim Study Committee

Jan.	23	Read first time	203
Jan.	24	Referred to Committee on Government, Military and Veteran's Affairs	208
Feb.	6	Notice of hearing	345
Mar.	15	Indefinitely postponed	820

LEGISLATIVE BILL 273 By Interim Study Committee

Jan.	23	Read first time	203
Jan.	24	Referred to Committee on Urban Affairs	208
Feb.	5	Notice of hearing	331
Feb.	16	Placed on General File	472
Mar.	2	Laid over	661
Mar.	5	Referred for review	676
Mar.	7	Placed on Select File	704
Mar.	8	Referred for engrossment	734
Mar.	12	Correctly engrossed	749
Mar.	15	Final Reading	810
Mar.	16	Correctly enrolled. President signed	827
Mar.	19	Presented to Governor	846
Mar.	22	Approved by Governor	910

LEGISLATIVE BILL 274 By Interim Study Committee

Jan.	23	Read first time	203
Jan.	24	Referred to Committee on Government, Military and Veteran's Affairs	208
Feb.	1	Notice of hearing	301
Mar.	15	Indefinitely postponed	820

LEGISLATIVE BILL 275 By Stahmer, Fowler

Jan.	23	Read first time	203
Jan.	24	Referred to Committee on Education	208
Feb.	9	Notice of hearing	391
Feb.	27	Placed on General File	605
Mar.	2	Laid over	662
Mar.	27	Bracketed	961
Mar.	29	Bracketed	1005
Apr.	18	Unbracketed	1375
May	4	Bracketed	1505
May	4	Bracketed	1509
May	11	Request	1641
May	15	Referred for review	1699
May	17	Placed on Select File	1755
May	17	Referred for engrossment	1757
May	18	Replaced on Select File	1784
May	18	Referred for engrossment	1789
May	23	Correctly engrossed	1816
May	24	Motion. Motion lost	1863
May	25	Final Reading	1906
May	25	Correctly enrolled. President signed	1915
May	25	Presented to Governor	1925
June	1	Approved by Governor	1935

LEGISLATIVE BILL 276 By Kelly

Jan.	24	Read first time	212
Jan.	25	Referred to Committee on Urban Affairs	220
Feb.	5	Notice of hearing	331
Feb.	16	Placed on General File	472
Feb.	23	Referred for review	559
Feb.	27	Placed on Select File	591
Feb.	28	Referred for engrossment	626
Mar.	1	Correctly engrossed	648
Mar.	6	Final Reading	690
Mar.	7	Correctly enrolled. President signed	704
Mar.	8	Presented to Governor	733
Mar.	12	Explanation of vote	759
Mar.	14	Approved by Governor	799

LEGISLATIVE BILL 277 By C. Carsten

Jan.	24	Read first time	212
Jan.	15	Referred to Committee on Government, Military and Veteran's Affairs	220
Feb.	1	Notice of hearing	301
Feb.	26	Attorney General Opinion	566
Mar.	15	Placed on General File	820
Mar.	23	Referred for review	923
Mar.	29	Placed on Select File	1015
Apr.	2	Referred for engrossment	1039
Apr.	4	Correctly engrossed	1100
Apr.	10	Final Reading	1184
Apr.	10	Explanation of vote	1188
Apr.	10	Correctly enrolled. President signed	1199
Apr.	11	Presented to Governor	1208
Apr.	11	Explanation of vote	1214
Apr.	12	Approved by Governor	1243

LEGISLATIVE BILL 278 By C. Carsten

Jan.	24	Read first time	213
Jan.	15	Referred to Committee on Education	220
Feb.	9	Notice of hearing	391
Feb.	27	Placed on General File	605
Mar.	2	Laid over. Request	662
Mar.	15	Motion. Laid over	820
Mar.	16	Motion renewed. Withdrawn	841

LEGISLATIVE BILL 279 By Duis

Jan.	24	Read first time	213
Jan.	25	Referred to Committee on Revenue	220
Jan.	29	Notice of hearing	248
Mar.	20	Indefinitely postponed	868

LEGISLATIVE BILL 280 By Appropriations Committee

Jan.	24	Read first time	216
Jan.	25	Referred to Committee on Appropriations	220
Feb.	20	Notice of hearing	509
Mar.	7	Placed on General File	718
Mar.	23	Referred for review	921
Mar.	28	Placed on Select File	987
Mar.	29	Referred for engrossment	1010
Apr.	2	Motion. Replaced on Select File. Referred for engrossment	1060

Apr. 4	Replaced on Select File	1091
Apr. 5	Referred for engrossment	1131
Apr. 10	Correctly engrossed	1198

LEGISLATIVE BILL 280A By Marvel

Apr. 2	Read first time. Placed on General File	1060
Apr. 4	Referred for review	1107
Apr. 5	Placed on Select File	1140
Apr. 9	Referred for engrossment. Replaced on Select File	1158
Apr. 9	Referred for engrossment	1159
Apr. 12	Correctly engrossed	1246

LEGISLATIVE BILL 281 By Appropriations Committee

Jan. 24	Read first time	216
Jan. 25	Referred to Committee on Appropriations	220
Feb. 20	Notice of hearing	509
Mar. 7	Placed on General File	719
Mar. 23	Referred for review	921
Mar. 8	Placed on Select File	987
Mar. 29	Referred for engrossment	1010
Apr. 2	Correctly engrossed	1033
Apr. 5	Final Reading	1118
Apr. 9	Correctly enrolled. President signed	1156
Apr. 9	Presented to Governor	1174
Apr. 12	Approved by Governor	1243

LEGISLATIVE BILL 282 By Appropriations Committee

Jan. 24	Read first time	217
Jan. 25	Referred to Committee on Appropriations	220
Feb. 20	Notice of hearing	509
Mar. 7	Placed on General File	719
Mar. 23	Referred for review	921
Mar. 28	Placed on Select File	988
Mar. 29	Referred for engrossment	1010
Apr. 2	Correctly engrossed	1033
Apr. 5	Final Reading	1119
Apr. 9	Correctly enrolled. President signed	1156
Apr. 9	Presented to Governor	1174
Apr. 11	Approved by Governor	1215

LEGISLATIVE BILL 283 By Marvel

Jan.	24	Read first time	217
Jan.	25	Referred to Committee on Revenue	220
Jan.	29	Notice of hearing	248
Feb.	13	Indefinitely postponed	423

LEGISLATIVE BILL 284 By R. Lewis

Jan.	24	Read first time	217
Jan.	25	Referred to Committee on Constitutional Revision and Recreation	220
Jan.	29	Notice of hearing	250
Feb.	26	Placed on General File	583
Mar.	2	Referred for review	662
Mar.	6	Placed on Select File	685
Mar.	7	Referred for engrossment	710
Mar.	8	Correctly engrossed	733
Mar.	14	Final Reading	793
Mar.	15	Correctly enrolled. President signed. Explanation of vote	806
Mar.	16	Presented to Governor	826
Mar.	20	Approved by Governor	868

LEGISLATIVE BILL 285 By Cavanaugh

Jan.	24	Read first time	217
Jan.	25	Referred to Committee on Public Health and Welfare	220
Jan.	29	Notice of hearing	251
Feb.	12	Placed on General File	398
Feb.	15	Referred for review	457
Feb.	19	Placed on Select File	475
Feb.	20	Referred for engrossment	498
Feb.	21	Correctly engrossed	530
Feb.	26	Final Reading	574
Feb.	27	Correctly enrolled	601
Feb.	27	Speaker signed	602
Feb.	28	Presented to Governor	623
Mar.	5	Approved by Governor	677

LEGISLATIVE BILL 286 By DeCamp

Jan.	24	Read first time	217
Jan.	25	Referred to Committee on Public Health and Welfare	220
Feb.	12	Notice of hearing	395

Feb.	19	Hearing cancelled. Notice of hearing. Reset	474
Apr.	16	Placed on General File	1271
Apr.	30	Request	1414
Apr.	30	Bracketed	1421
May	1	Bracketed	1431
May	7	Considered	1525
May	7	Referred for review	1532
May	8	Explanation of vote	1551
May	8	Placed on Select File	1563
May	9	Laid over	1572
May	9	Request	1584
May	10	Considered. Referred for engrossment	1607
May	11	Attorney General Opinion	1626
May	11	Motion. Replaced on Select File. Referred for engrossment	1635
May	14	Correctly engrossed	1667
May	14	Motion. Motion lost	1668
May	17	Final Reading	1741
May	17	Explanation of vote	1750
May	17	Correctly enrolled. President signed	1760
May	17	Presented to Governor	1775
May	23	Explanation of vote	1830
May	24	Became law without Governor's approval	1883
May	25	Returned from Governor without approval	1913

LEGISLATIVE BILL 287 By DeCamp

Jan.	24	Read first time	217
Jan.	25	Referred to Committee on Education	220
Feb.	9	Notice of hearing	392

LEGISLATIVE BILL 288 By DeCamp

Jan.	24	Read first time	218
Jan.	25	Referred to Committee on Miscellaneous Subjects	220
Feb.	19	Notice of hearing	484
Mar.	26	Placed on General File	936

LEGISLATIVE BILL 289 By DeCamp

Jan.	24	Read first time	218
Jan.	25	Referred to Committee on Constitutional Revision and Recreation	220
Jan.	29	Notice of hearing	249
Mar.	22	Indefinitely postponed	901

LEGISLATIVE BILL 290 By DeCamp at req. of Governor

Jan.	24	Read first time	218
Jan.	25	Refered to Committee on Public Works	220
Jan.	29	Notice of hearing	250
Mar.	13	Placed on General File	784
Mar.	29	Referred for review	1030
Apr.	4	Placed on Select File	1095
Apr.	5	Referred for engrossment	1133
Apr.	10	Replaced on Select File	1183
Apr.	11	Referred for engrossment	1213
Apr.	12	Correctly engrossed	1259
Apr.	18	Final Reading	1330
Apr.	18	Correctly enrolled. Speaker signed	1342
Apr.	18	Presented to Governor	1354
Apr.	30	Approved by Governor	1394

LEGISLATIVE BILL 291 By Appropriations Committee

Jan.	25	Read first time	221
Jan.	26	Referred to Committee on Appropriations	233
Jan.	26	Notice of hearing	236
Feb.	2	Placed on General File	314
Feb.	6	Referred for review	343
Feb.	8	Placed on Select File	366
Feb.	9	Referred for engrossment	384
Feb.	12	Replaced on Select File	396
Feb.	13	Referred for engrossment	418
Feb.	14	Correctly engrossed	437
Feb.	19	Final Reading	479
Feb.	20	Correctly enrolled. Speaker signed	491
Feb.	20	Presented to Governor	501
Feb.	26	Approved by Governor	582

LEGISLATIVE BILL 292 By Simpson

Jan.	25	Read first time	221
Jan.	26	Referred to Committee on Labor	233
Feb.	2	Notice of hearing	322
Mar.	14	Indefinitely postponed	792

LEGISLATIVE BILL 293 By Simpson

Jan.	25	Read first time	222
Jan.	26	Referred to Committee on Judiciary	233
Jan.	29	Notice of hearing	252
Apr.	4	Placed on General File	1103

LEGISLATIVE BILL 294 By Barnett

Jan.	25	Read first time	222
Jan.	26	Referred to Committee on Revenue	233
Feb.	6	Notice of hearing	345
Mar.	29	Placed on General File	1008
Apr.	12	Referred for review	1244
Apr.	16	Placed on Select File	1291
Apr.	17	Referred for engrossment	1318
Apr.	30	Correctly engrossed	1399
May	3	Final Reading	1464
May	3	Correctly enrolled. Speaker signed	1478
May	3	Presented to Governor	1484
May	4	Approved by Governor	1500

LEGISLATIVE BILL 295 By Stromer

Jan.	25	Read first time	222
Jan.	26	Referred to Government, Military and Veteran's Affairs	233
Feb.	6	Notice of hearing	345

LEGISLATIVE BILL 296 By Stromer

Jan.	25	Read first time	222
Jan.	26	Referred to Committee on Banking, Commerce and Insurance	233
Feb.	1	Notice of hearing	301
Feb.	22	Placed on General File	548
Feb.	23	Referred for review	561
Feb.	27	Placed on Select File	594
Feb.	28	Referred for engrossment	628
Mar.	5	Correctly engrossed	670
Mar.	8	Final Reading	731
Mar.	12	Correctly enrolled. Speaker signed	750
Mar.	13	Presented to Governor	772
Mar.	14	Approved by Governor	799

LEGISLATIVE BILL 297 By Interim Study Committee

Jan.	25	Read first time	222
Jan.	26	Referred to Committee on Nebraska Retirement Systems	233
Mar.	12	Notice of hearing	761
Apr.	9	Placed on General File	1153
Apr.	12	Referred for review	1251
Apr.	16	Placed on Select File	1270
Apr.	17	Referred for engrossment	1316

Apr.	30	Correctly engrossed	1399
May	3	Final Reading	1464
May	3	Correctly enrolled. Speaker signed	1478
May	3	Presented to Governor	1484
May	7	Approved by Governor	1512

LEGISLATIVE BILL 298 By Keyes

Jan.	25	Read first time	222
Jan.	26	Referred to Committee on Agriculture and Environment	233
Jan.	29	Notice of hearing	251
Feb.	22	Indefinitely postponed	544
Feb.	23	Motion. Motion pending	563
Feb.	26	Motion renewed. Motion lost	583

LEGISLATIVE BILL 299 By Warner

Jan.	25	Read first time	222
Jan.	26	Referred to Committee on Urban Affairs	233
Feb.	5	Notice of hearing	331
Mar.	26	Placed on General File	937
May	4	Referred for review	1506
May	7	Placed on Select File	1539
May	8	Referred for engrossment	1557
May	9	Correctly engrossed	1584
May	14	Final Reading	1659
May	14	Correctly enrolled. Speaker signed	1667
May	14	Presented to Governor	1674
May	23	Approved by Governor	1817

LEGISLATIVE BILL 300 By Stahmer

Jan.	25	Read first time	225
Jan.	26	Referred to Committee on Education	233
Feb.	9	Request	386
Feb.	21	Notice of hearing	529
Feb.	26	Letter from Governor	575
Mar.	5	Attorney General Opinion	667
Mar.	8	Attorney General Opinion	721
Mar.	12	Indefinitely postponed	752

LEGISLATIVE BILL 301 By Kime

Jan.	25	Read first time	225
Jan.	26	Referred to Committee on Agriculture and Environment	233

Jan.	29	Notice of hearing	251
Feb.	22	Placed on General File	544
Mar.	2	Referred for review	661
Mar.	6	Placed on Select File	685
Mar.	7	Referred for engrossment	710
Mar.	8	Correctly engrossed	733
Mar.	14	Final Reading	793
Mar.	15	Correctly enrolled. President signed. Explanation of vote	806
Mar.	16	Presented to Governor	826
Mar.	20	Approved by Governor	868

LEGISLATIVE BILL 302 By Interim Study Committee

Jan.	25	Read first time	228
Jan.	26	Referred to Committee on Appropriations	233
Jan.	29	Re-referred to Committee on Public Health and Welfare	241
Feb.	2	Notice of hearing	313
Apr.	10	Placed on General File	1203

LEGISLATIVE BILL 303 By Interim Study Committee

Jan.	25	Read first time	229
Jan.	26	Referred to Committee on Appropriations	233
Feb.	20	Notice of hearing	509

LEGISLATIVE BILL 304 By Dickinson

Jan.	26	Read first time	234
Jan.	29	Referred to Committee on Judiciary	241
Feb.	8	Notice of hearing	370
Mar.	27	Indefinitely postponed	980

LEGISLATIVE BILL 305 By Goodrich

Jan.	26	Read first time	234
Jan.	29	Referred to Committee on Banking, Commerce and Insurance	241
Feb.	1	Notice of hearing	301
Feb.	12	Hearing cancelled. Hearing reset	406
Feb.	28	Indefinitely postponed	631

LEGISLATIVE BILL 306 By Marsh

Jan.	26	Read first time	234
Jan.	29	Referred to Committee on Education	241
Feb.	21	Notice of hearing	529

Mar.	20	Placed on General File	869
Apr.	5	Referred for review	1144
Apr.	9	Placed on Select File	1172
Apr.	10	Referred for engrossment	1191
Apr.	16	Correctly engrossed	1270

LEGISLATIVE BILL 306A By Marsh

Apr.	12	Read first time. Placed on General File	1238
May	15	Referred for review	1711
May	17	Placed on Select File	1760
May	17	Referred for engrossment	1775
May	18	Correctly engrossed	1811

LEGISLATIVE BILL 307 By Marsh

Jan.	26	Read first time	234
Jan.	29	Referred to Committee on Education	241
Feb.	21	Notice of hearing	529
Mar.	20	Placed on General File	869
Apr.	5	Referred for review	1144
Apr.	9	Placed on Select File	1172
Apr.	10	Referred for engrossment	1191
Apr.	16	Correctly engrossed	1270
Apr.	18	Final Reading	1346
Apr.	18	Explanation of vote	1354
Apr.	18	Correctly enrolled. President signed	1374
Apr.	19	Presented to Govenror	1377
Apr.	30	Approved by Governor	1394

LEGISLATIVE BILL 308 By Kremer

Jan.	26	Read first time	237
Jan.	29	Referred to Committee on Public Works	241
Feb.	5	Notice of hearing	333
Feb.	15	Hearing cancelled. Hearing reset	455
Mar.	26	Indefinitely postponed	937

LEGISLATIVE BILL 309 By Duis

Jan.	26	Read first time	237
Jan.	29	Referred to Committee on Banking, Commerce and Insurance	241
Feb.	1	Notice of hearing	301
Feb.	28	Placed on General File	632
Mar.	23	Referred for review	919

Mar.	27	Placed on Select File	956
Mar.	28	Referred for engrossment	996
Apr.	2	Correctly engrossed	1033
Apr.	5	Final Reading	1119
Apr.	9	Correctly enrolled. President signs	1156
Apr.	9	Presented to Governor	1174
Apr.	11	Approved by Governor	1215

LEGISLATIVE BILL 310 By Fellman

Jan.	26	Read first time	237
Jan.	29	Referred to Committee on Government, Military and Veteran's Affairs	241
Feb.	6	Notice of hearing	345
Mar.	23	Placed on General File	928
May	1	Bracketed	1431
May	8	Indefinitely postponed	1562

LEGISLATIVE BILL 311 By Interim Study Committee

Jan.	26	Read first time	237
Jan.	29	Referred to Committee on Appropriations	241
Feb.	8	Notice of hearing	369
Feb.	16	Placed on General File	471
Mar.	2	Laid over	661
Mar.	5	Bracketed	675
Mar.	16	Bracketed	830
Apr.	12	Co-introducer added. Laid over	1248
Apr.	18	Referred for review. Request. Bracketed	1327
Apr.	18	Placed on Select File	1343
Apr.	30	Unbracketed. Bracketed	1419
May	1	Bracketed	1430
May	4	Unbracketed. Referred for engrossment	1497
May	7	Replaced on Select File	1512
May	8	Referred for engrossment	1549
May	9	Correctly engrossed	1584
May	14	Final Reading	1661
May	14	Correctly enrolled. Speaker signed	1667
May	14	Presented to Governor	1674
May	16	Attorney General Opinion	1721
May	18	Approved by Governor	1790

LEGISLATIVE BILL 311A By Carpenter

Mar.	7	Read first time. Placed on General File	717
Apr.	18	Referred for review	1327

Apr.	18	Placed on Select File	1343
May	4	Unbracketed. Referred for engrossment	1497
May	7	Correctly engrossed	1517
May	14	Motion. Replaced on Select File	1661
May	14	Referred for re-engrossment	1668
May	14	Replaced on Select File	1682
May	14	Referred for re-engrossment	1689
May	15	Replaced on Select File	1712
May	15	Referred for re-engrossment	1716
May	16	Correctly re-engrossed	1727
May	25	Unbracketed	1930
May	25	Final Reading	1931
May	25	Correctly enrolled. President signed	1932
June	1	Approved by Governor	1935
June	1	Presented to Governor	1946

LEGISLATIVE BILL 312 By Schmit

Jan.	26	Read first time	238
Jan.	29	Referred to Committee on Banking, Commerce and Insurance	241
Feb.	1	Notice of hearing	301
Mar.	16	Placed on General File	833
Mar.	28	Attorney General Opinion	983
Apr.	5	Bracketed	1142
Apr.	9	Bracketed	1181
May	1	Unbracketed	1424
May	1	Motions. Motions lost	1437
May	2	Referred for review	1456
May	3	Placed on Select File	1486
May	4	Request. Referred for engrossment	1495
May	8	Correctly engrossed	1553
May	8	Motion. Motion lost	1557
May	10	Motion. Motion lost. Final Reading	1592
May	10	Correctly enrolled. President signed	1597
May	10	Presented to Governor	1610
May	17	Returned by Governor without approval	1739
May	17	Motion	1740
May	17	Passed over Governor's Veto	1750
May	17	Delivered to Sesretary of State	1758
May	23	Explanation of vote	1830

LEGISLATIVE BILL 313 By Waldron

Jan.	26	Read first time	238
Jan.	29	Referred to Committee on Urban Affairs	241
Feb.	5	Notice of hearing	331

Mar.	26	Placed on General File	937
May	16	Motion. Laid over	1728
May	17	Motion renewed. Withdrawn	1765

LEGISLATIVE BILL 314 By Interim Study Committee

Jan.	26	Read first time	238
Jan.	29	Referred to Committee on Education	241
Feb.	21	Notice of hearing	529
Apr.	4	Indefinitely postponed	1112

LEGISLATIVE BILL 315 By Chambers

Jan.	26	Read first time	238
Jan.	29	Referred to Committee on Urban Affairs	241
Feb	5	Notice of hearing	331
Mar.	23	Placed on General File	928
May	4	Referred for review	1505
May	7	Placed on Select File	1539
May	8	Request. Laid over	1550
May	8	Request. Motion. Motion lost. Referred for engrossment	1556
May	9	Replaced on Select File	1589
May	10	Referred for engrossment	1604
May	10	Motion. Motion lost	1605
May	14	Correctly engrossed	1667
May	17	Final Reading	1742
May	17	Correctly enrolled. President signed	1760
May	17	Presented to Governor	1775
May	23	Attorney General Opinion	1820
May	24	Message from Governor	1859
May	24	Approved by Governor	1882

LEGISLATIVE BILL 316 By Richendifer

Jan.	29	Read first time	245
Feb.	1	Referred to Committee on Public Works	288
Feb.	5	Notice of hearing	333
Mar.	26	Indefinitely postponed	937

LEGISLATIVE BILL 317 By Kelly

Jan.	29	Read first time	246
Feb.	1	Referred to Committee on Judiciary	288
Feb.	2	Notice of hearing	321
Feb.	26	Placed on General File	583
Mar.	2	Referred for review	662
Mar.	6	Placed on Select File	685

Mar. 7	Referred for engrossment	710
Mar. 8	Correctly engrossed	733
Mar. 14	Final Reading	794
Mar. 15	Correctly enrolled. President signed Explanation of vote	806
Mar. 16	Presented to Governor	826
Mar. 20	Approved by Governor	868

LEGISLATIVE BILL 318 By Stahmer

Jan. 29	Read first time	246
Feb. 1	Referred to Committee on Revenue	288
Feb. 6	Notice of hearing	346
Feb. 15	Request	459
Mar. 12	Indefinitely postponed	761

LEGISLATIVE BILL 319 By Richendifer

Jan. 29	Read first time	246
Feb. 1	Referred to Committee on Public Works	288
Feb. 5	Notice of hearing. Hearing cancelled	333
Feb. 6	Notice of hearing. Hearing reset	340
Mar. 12	Placed on General File	752
Mar. 23	Laid over	924
Mar. 29	Referred for review	1026
Apr. 4	Placed on Select File	1094
Apr. 5	Laid over	1132
Apr. 5	Request. Referred for engrossment	1141
Apr. 9	Replaced on Select File	1166
Apr. 10	Referred for engrossment	1189
Apr. 12	Correctly engrossed	1246
Apr. 18	Final Reading	1330
Apr. 18	Correctly enrolled. Speaker signed	1342
Apr. 18	Presented to Governor	1354
Apr. 30	Approved by Governor	1394

LEGISLATIVE BILL 319A By Richendifer

Apr. 4	Read first time. Placed on General File	1103
Apr. 5	Motion. Referred for review	1136
Apr. 9	Placed on Select File	1166
Apr. 10	Referred for engrossment	1189
Apr. 12	Correctly engrossed	1246
Apr. 18	Final Reading	1330
Apr. 18	Correctly enrolled. Speaker signed	1342
Apr. 18	Presented to Governor	1354
Apr. 30	Approved by Governor	1394

LEGISLATIVE BILL 320 By F. Lewis

Jan.	29	Read first time	246
Feb.	1	Referred to Committee on Labor	288
Feb.	7	Notice of hearing	363
Feb.	14	Hearing cancelled. Notice of hearing. Reset	427
Mar.	23	Placed on General File	925
Apr.	12	Referred for review	1250
Apr.	16	Placed on Select File	1292
Apr.	17	Referred for engrossment	1318
Apr.	30	Correctly engrossed	1399
May	3	Final Reading	1465
May	3	Correctly enrolled. Speaker signed	1478
May	3	Presented to Governor	1484
May	4	Approved by Governor	1500

LEGISLATIVE BILL 321 By F. Lewis

Jan.	29	Read first time	246
Feb.	1	Referred to Committee on Education	288
Feb.	21	Notice of hearing	529
Mar.	22	Placed on General File	910
Apr.	12	Referred for review	1242
Apr.	16	Placed on Select File	1270
Apr.	17	Referred for engrossment	1316
Apr.	19	Replaced on Select File	1382
Apr.	30	Referred for engrossment	1417
May	2	Correctly engrossed	1444
May	7	Final Reading	1519
May	7	Correctly enrolled	1526
May	7	President signed	1535
May	7	Presented to Governor	1542
May	9	Approved by Governor	1571

LEGISLATIVE BILL 321A By F. Lewis

Mar.	29	Read first time. Placed on General File	1023
Apr.	12	Referred for review	1242
Apr.	16	Placed on Select File	1270
Apr.	17	Referred for engrossment	1316
Apr.	30	Replaced on Select File	1397
May	1	Referred for engrossment	1430
May	1	Correctly engrossed	1439
May	7	Final Reading	1520
May	7	Correctly enrolled	1526

May	7	President signed	1535
May	7	Presented to Governor	1542
May	9	Approved by Governor	1571

LEGISLATIVE BILL 322 By F. Lewis

Jan.	29	Read first time	246
Feb.	1	Referred to Committee on Government, Military and Veteran's Affairs	288
Feb.	14	Notice of hearing	439

LEGISLATIVE BILL 323 By Marvel

Jan.	29	Read first time	246
Feb.	1	Referred to Committee on Constitutional Revision and Recreation	288
Feb.	6	Notice of hearing	345
Mar.	16	Indefinitely postponed	838
Mar.	21	Motion. Motion pending	889
Mar.	28	Motion renewed	991

LEGISLATIVE BILL 324 By Stull

Jan.	29	Read first time	247
Feb.	1	Referred to Committee on Public Works	288
Feb.	5	Notice of hearing	333
Mar.	12	Placed on General File	752
Mar.	23	Referred for review	922
Mar.	29	Placed on Select File	1013
Apr.	2	Referred for engrossment	1038
Apr.	3	Correctly engrossed	1073
Apr.	5	Final Reading	1127
Apr.	9	Correctly enrolled. President signed	1156
Apr.	9	Presented to Governor	1174
Apr.	11	Approved by Governor	1215

LEGISLATIVE BILL 325 By Interim Study Committee

Jan.	29	Read first time	247
Feb.	1	Referred to Committee on Miscellaneous Subjects	288
Feb.	19	Notice of hearing	484

LEGISLATIVE BILL 326 By Interim Study Committee

Jan.	29	Read first time	247
Feb.	1	Referred to Committee on Miscellaneous Subjects	288
Feb.	19	Notice of hearing	484

LEGISLATIVE BILL 327 By Interim Study Committee

Jan.	29	Read first time	247
Feb.	1	Referred to Committee on Miscellaneous Subjects	288
Feb.	19	Notice of hearing	484
May	7	Placed on General File	1525

LEGISLATIVE BILL 328 By DeCamp

Jan.	29	Read first time	247
Feb.	1	Referred to Committee on Constitutional Revision and Recreation	288
Feb.	8	Notice of hearing	369
Mar.	12	Indefinitely postponed	753

LEGISLATIVE BILL 329 By DeCamp

Jan.	29	Read first time	248
Feb.	1	Referred to Committee on Judiciary	288
Feb.	8	Notice of hearing	370

LEGISLATIVE BILL 330 By Simpson

Jan.	29	Read first time	248
Feb.	1	Referred to Committee on Miscellaneous Subjects	288
Feb.	8	Notice of hearing	378
Feb.	21	Placed on General File	530
Feb.	23	Referred for review	560
Feb.	27	Placed on Select File	593
Feb.	28	Referred for engrossment	627
Mar.	2	Correctly engrossed	656
Mar.	7	Final Reading	707
Mar.	8	Correctly enrolled. President signed	733
Mar.	12	Presented to Governor	750
Mar.	14	Approved by Governor	799

LEGISLATIVE BILL 331 By Syas

Jan.	29	Read first time	252
Feb.	1	Referred to Committee on Constitutional Revision and Recreation	288
Feb.	6	Notice of hearing	345
Mar.	6	Placed on General File	699
Mar.	28	Laid over	999
Mar.	28	Referred for review	1001
Apr.	3	Placed on Select File	1071

Apr.	4	Referred for engrossment	1099
Apr.	9	Correctly engrossed	1156
Apr.	12	Final Reading	1228
Apr.	12	Correctly enrolled. Speaker signed	1256
Apr.	16	Presented to Governor	1271
Apr.	17	Approved by Governor	1302

LEGISLATIVE BILL 332 By Fellman

Jan.	29	Read first time	252
Feb.	1	Referred to Committee on Public Works	288
Feb.	6	Notice of hearing	340
Mar.	7	Attorney General Opinion	710
Mar.	13	Placed on General File	784
Apr.	4	Referred for review	1111
Apr.	5	Placed on Select File	1140
Apr.	9	Referred for engrossment	1159
Apr.	12	Correctly engrossed	1246
Apr.	18	Final Reading	1332
Apr.	18	Correctly enrolled. Speaker signed	1342
Apr.	18	Presented to Governor	1354
Apr.	30	Approved by Governor	1394

LEGISLATIVE BILL 333 By Fellman

Jan.	29	Read first time	252
Feb.	1	Referred to Committee on Labor	288
Feb.	7	Notice of hearing	363
Mar.	23	Placed on General File	925
Apr.	12	Referred for review	1243
Apr.	16	Placed on Select File	1270
Apr.	17	Referred for engrossment	1316
Apr.	30	Correctly engrossed	1399
May	3	Final Reading	1466
May	3	Correctly enrolled. Speaker signed	1478
May	3	Presented to Governor	1484
May	4	Approved by Governor	1501

LEGISLATIVE BILL 334 By Cavanaugh

Jan.	29	Read first time	252
Feb.	1	Referred to Committee on Judiciary	288
Feb.	2	Notice of hearing	321
Feb.	22	Notice of hearing. Continued	546
Apr.	4	Placed on General File	1107

LEGISLATIVE BILL 335 By Burbach

Jan.	29	Read first time	252
Feb.	1	Referred to Committee on Public Works	288
Feb.	2	Notice of hearing	322
Feb.	22	Placed on General File	544
Feb.	23	Referred for review	561
Feb.	27	Placed on Select File	593
Feb.	28	Referred for engrossment	628
Mar.	2	Correctly engrossed	656
Mar.	7	Final Reading	707
Mar.	8	Correctly enrolled. President signed	733
Mar.	12	Presented to Governor	750
Mar.	14	Approved by Governor	799

LEGISLATIVE BILL 336 By Duis

Jan.	30	Read first time	257
Feb.	1	Referred to Committee on Education	288
Feb.	2	Re-referred to Committee on Appropriations	322
Feb.	6	Notice of hearing	345
Feb.	22	Placed on General File	545
Mar.	16	Referred for review	835
Mar.	20	Placed on Select File	863
Mar.	21	Referred for engrossment	881
Mar.	26	Correctly engrossed	948
Apr.	2	Final Reading	1035
Apr.	3	Correctly enrolled. President signed	1065
Apr.	4	Presented to Governor. Explanation of vote	1101
Apr.	12	Approved by Governor	1243

LEGISLATIVE BILL 336A By Duis

Feb.	27	Read first time. Placed on General File	602
Mar.	16	Referred for review	836
Mar.	20	Placed on Select File	863
Mar.	21	Referred for engrossment	881
Mar.	26	Correctly engrossed	948
Mar.	27	Motion. Replaced on Select File. Referred for re-engrossment	976
Mar.	27	Correctly re-engrossed	980
Apr.	2	Final Reading	1035
Apr.	3	Correctly enrolled. President signed	1065
Apr.	4	Presented to Governor. Explanation of vote	1101
Apr.	12	Approved by Governor	1243

LEGISLATIVE BILL 337 By Burbach

Jan.	30	Read first time	257
Feb.	1	Referred to Committee on Agriculture and Environment	288
Feb.	1	Notice of hearing	301
Feb.	15	Placed on General File	454
Feb.	23	Referred for review	559
Feb.	27	Placed on Select File	590
Feb.	28	Referred for engrossment	626
Mar.	1	Correctly engrossed	648
Mar.	6	Final Reading	691
Mar.	7	Correctly enrolled. President signed	704
Mar.	8	Presented to Governor	733
Mar.	12	Explanation of vote	759
Mar.	14	Approved by Governor	799

LEGISLATIVE BILL 338 By Luedtke

Jan.	30	Read first time	257
Feb.	1	Referred to Committee on Government, Military and Veteran's Affairs	288
Feb.	14	Notice of hearing	439
Mar.	29	Placed on General File	1028
Apr.	12	Referred for review	1241
Apr.	16	Placed on Select File	1270
Apr.	17	Referred for engrossment	1316
Apr.	30	Correctly engrossed	1399
May	3	Final Reading	1466
May	3	Correctly enrolled. Speaker signed	1478
Mar.	3	Presented to Governor	1484
May	4	Approved by Governor	1500

LEGISLATIVE BILL 339 By Luedtke

Jan.	30	Read first time	257
Feb.	1	Referred to Committee on Banking, Commerce and Insurance	288
Feb.	5	Notice of hearing	327
Feb.	14	Placed on General File	445
Feb.	23	Laid over	562
Feb.	27	Referred for review	616
Mar.	1	Placed on Select File	639
Mar.	2	Referred for engrossment	659
Mar.	6	Correctly engrossed	692
Mar.	12	Final Reading	756
Mar.	13	Correctly enrolled. President signed	772
Mar.	14	Presented to Governor	790
Mar.	15	Approved by Governor	821

LEGISLATIVE BILL 340 By Keyes

Jan.	30	Read first time	257
Feb.	1	Referred to Committee on Government, Military and Veteran's Affairs	288
Feb.	14	Notice of hearing	439
Mar.	29	Placed on General File	1028
Apr.	12	Referred for review	1242
Apr.	16	Placed on Select File	1291
Apr.	17	Referred for engrossment	1318
Apr.	30	Correctly engrossed	1399
May	3	Final Reading	1467
May	3	Correctly enrolled. Speaker signed	1478
May	3	Presented to Governor	1484
May	7	Approved by Governor	1512

LEGISLATIVE BILL 341 By Kelly

Jan.	30	Read first time	257
Feb.	1	Referred to Committee on Government, Military and Veteran's Affairs	288
Feb.	14	Notice of hearing	439
Mar.	23	Placed on General File	928
Apr.	12	Laid over	1239
May	4	Referred for review	1506
May	7	Placed on Select File	1540
May	8	Referred for engrossment	1557
May	9	Replaced on Select File	1590
May	10	Referred for engrossment	1605
May	14	Correctly engrossed	1666
May	17	Final Reading	1743
May	17	Correctly enrolled. President signed	1760
May	17	Presented to Governor	1775
May	23	Approved by Governor	1817
May	23	Explanation of vote	1830

LEGISLATIVE BILL 342 By Clark

Jan.	30	Read first time	258
Feb.	1	Referred to Committee on Labor	288
Feb.	7	Notice of hearing	363
Feb.	26	Placed on General File	569
Mar.	16	Bracketed	837
Mar.	19	Request	858
Mar.	19	Laid over	859
Mar.	20	Bracketed	867
Mar.	27	Laid over	961

Mar.	27	Bracketed	965
Apr.	2	Laid over	1062
Apr.	3	Indefinitely postponed	1086

LEGISLATIVE BILL 343 By Chambers

Jan.	30	Read first time	258
Feb.	1	Referred to Committee on Labor	288
Feb.	7	Notice of hearing	363
Mar.	20	Placed on General File	868
Apr.	5	Laid over	1144
Apr.	11	Referred for review	1220
Apr.	12	Placed on Select File	1256
Apr.	12	Referred for engrossment	1258
Apr.	16	Replaced on Select File	1286
Apr.	17	Referred for engrossment	1317
Apr.	18	Correctly engrossed	1342
May	1	Final Reading	1424
May	1	Correctly enrolled. Speaker signed	1433
May	1	Presented to Governor	1435
May	3	Approved by Governor	1483

LEGISLATIVE BILL 344 By Proud, Burbach

Jan.	30	Read first time	258
Feb.	1	Referred to Committee on Revenue	288
Feb.	6	Notice of hearing	345
Mar.	12	Placed on General File	769
Mar.	23	Referred for review	923
Mar.	29	Placed on Select File	1013
Apr.	2	Referred for engrossment	1038
Apr	3	Correctly engrossed	1073
Apr.	5	Final Reading	1128
Apr.	9	Correctly enrolled. President signed	1156
Apr.	9	Presented to Governor	1174
Apr.	11	Approved by Governor	1215

LEGISLATIVE BILL 345 By Kelly

Jan.	30	Read first time	258
Feb.	1	Referred to Committee on Urban Affairs	288
Feb.	5	Notice of hearing	331
Mar.	23	Placed on General File	928
Apr.	12	Referred for review	1239
Apr.	16	Placed on Select File	1269
Apr.	17	Referred for engrossment	1316

Apr.	19	Replaced on Select File	1381
Apr.	30	Laid over	1417
May	1	Referred for engrossment	1430
May	2	Correctly engrossed	1459
May	7	Final Reading	1520
May	7	Correctly enrolled	1526
May	7	President signed	1535
May	7	Presented to Governor	1542
May	9	Approved by Governor	1571

LEGISLATIVE BILL 346 By Kennedy

Jan.	30	Read first time	258
Feb.	1	Referred to Committee on Public Works	288
Feb.	6	Notice of hearing	340
Mar.	12	Placed on General File	753
Mar.	23	Referred for review	922
Mar.	29	Placed on Select File	1013
Apr.	2	Referred for engrossment	1038
Apr.	3	Correctly engrossed	1073
Apr.	5	Final Reading	1128
Apr.	9	Correctly enrolled. President signed	1156
Apr.	9	Presented to Governor	1174
Apr.	11	Approved by Governor	1215

LEGISLATIVE BILL 347 By Kennedy

Jan.	30	Read first time	258
Feb.	1	Referred to Committee on Public Health and Welfare	288
Feb.	12	Notice of hearing	395
May	2	Indefinitely postponed	1459

LEGISLATIVE BILL 348 By Interim Study Committee

Jan.	30	Read first time	265
Feb.	1	Referred to Committee on Public Health and Welfare	288
Feb.	6	Notice of hearing	345
Mar.	1	Indefinitely postponed	646

LEGISLATIVE BILL 349 By Interim Study Committee

Jan.	30	Read first time	265
Feb.	1	Referred to Committee on Banking, Commerce and Insurance	288
Feb.	8	Notice of hearing	369

Feb.	16	Hearing cancelled. Notice of hearing . Reset	471
Mar.	16	Placed on General File	833
Apr.	10	Referred for review	1201
Apr.	16	Placed on Select File	1267
Apr.	17	Referred for engrossment	1316
Apr.	19	Replaced on Select File	1384
Apr.	30	Referred for engrossment	1419
May	3	Correctly engrossed	1478
May	8	Final Reading	1545
May	8	Correctly enrolled. President signed	1553
May	8	Presented to Governor	1559
May	11	Approved by Governor	1640

LEGISLATIVE BILL 350 By Fellman

Jan.	30	Read first time	265
Feb.	1	Referred to Committee on Labor	288
Feb.	7	Notice or hearing	363
Mar.	7	Motion. Motion pending	716
Mar.	8	Motion renewed. Withdrawn	735

LEGISLATIVE BILL 351 By Luedtke

Jan.	30	Read first time	265
Feb.	1	Referred to Committee on Banking, Commerce and Insurance	288
Feb.	5	Notice of hearing	327
Feb.	13	Placed on General File	423
Feb.	23	Bracketed	562
Feb.	28	Request. Referred for review	634
Mar.	2	Placed on Select File	654
Mar.	5	Referred for engrossment	675
Mar.	6	Correctly engrossed	692
Mar.	12	Final Reading	757
Mar.	13	Correctly enrolled. President signed	772
Mar.	14	Presented to Governor	790
Mar.	15	Approved by Governor	821

LEGISLATIVE BILL 352 By Nebraska Retirement System Committee

Jan.	30	Read first time	265
Feb.	1	Referred to Committee on Nebraska Retirement Systems	288
Feb.	19	Notice of hearing	474
Mar.	6	Placed on General File	699

Mar.	28	Referred for review	1000
Apr.	3	Placed on Select File	1070
Apr.	4	Referred for engrossment	1098
Apr.	9	Correctly engrossed	1156
Apr.	12	Final Reading	1228
Apr.	12	Correctly enrolled. Speaker signed	1256
Apr.	16	Presented to Governor	1271
Apr.	17	Approved by Governor	1302

LEGISLATIVE BILL 353 By Nebraska Retirement Systems Committee

Jan.	30	Read first time	265
Feb.	1	Referred to Committee on Nebraska Retirement Systems	288
Feb.	26	Notice of hearing	567
Mar.	21	Placed on General File	891
Apr.	9	Referred for review	1179
Apr.	11	Placed on Select File	1208
Apr.	12	Referred for engrossment	1235
Apr.	16	Correctly engrossed	1270
Apr.	18	Final Reading	1347
Apr.	18	Correctly enrolled. President signed	1374
Apr.	19	Presented to Governor	1377
Apr.	30	Approved by Governor	1394

LEGISLATIVE BILL 354 By Judiciary Committee

Jan.	30	Read first time	265
Feb.	1	Referred to Committee on Judiciary	288
Feb.	8	Notice of hearing	370

LEGISLATIVE BILL 355 By Johnson

Jan.	30	Read first time	266
Feb.	1	Referred to Committee on Education	288
Feb.	9	Notice of hearing	391
Feb.	27	Placed on General File	605
Mar.	16	Referred for review	842
Mar.	20	Placed on Select File	865
Mar.	21	Referred for engrossment	882
Mar.	23	Correctly engrossed	925
Mar.	28	Final Reading	989
Mar.	28	Correctly enrolled. President signed	995
Mar.	29	Presented to Governor	1016
Apr.	2	Approved by Governor	1033

LEGISLATIVE BILL 356 By Anderson

Jan.	30	Read first time	266
Feb.	1	Referred to Committee on Constitutional Revision and Recreation	288
Feb.	8	Notice of hearing	369
Mar.	13	Placed on General File	783
Mar.	23	Referred for review	923
Mar.	29	Placed on Select File	1014
Apr.	2	Referred for engrossment	1038
Apr.	4	Correctly engrossed	1100
Apr.	10	Final Reading	1185
Apr.	10	Explanation of vote	1188
Apr.	10	Correctly enrolled. President signed	1199
Apr.	11	Presented to Governor	1208
Apr.	11	Explanation of vote	1214
Apr.	12	Approved by Governor	1243

LEGISLATIVE BILL 357 By Warner

Jan.	30	Read first time	270
Feb.	1	Referred to Committee on Public Works	288
Feb.	6	Notice of hearing	340
Mar.	2	Placed on General File	664
Mar.	27	Laid over	979
Mar.	29	Referred for review	1017
Apr.	4	Placed on Select File	1093
Apr.	5	Referred for engrossment	1132
Apr.	10	Correctly engrossed	1198
Apr.	17	Final Reading	1300
Apr.	17	Correctly enrolled. President signed	1305
Apr.	18	Presented to Governor	1321
Apr.	30	Approved by Governor	1394

LEGISLATIVE BILL 358 By Warner

Jan.	30	Read first time	270
Feb.	1	Referred to Committee on Education	289
Feb.	9	Notice of hearing	391
Feb.	21	Hearing cancelled. Notice of hearing. Reset	529
Mar.	22	Placed on General File	910
Apr.	30	Request	1411
May	1	Bracketed	1432
May	7	Referred for review	1541
May	8	Placed on Select File	1564

May	9	Referred for engrossment	1573
May	10	Replaced on Select File	1597
May	11	Bracketed	1613
May	11	Unbracketed. Referred for engrossment	1635
May	14	Correctly engrossed	1690
May	17	Final Reading	1743
May	17	Correctly enrolled. President signed	1760
May	17	Presented to Governor	1775
May	23	Approved by Governor	1817
May	23	Explanation of vote	1830

LEGISLATIVE BILL 359 By Warner

Jan.	30	Read first time	270
Feb.	1	Referred to Committee on Revenue	289
Feb.	6	Notice of hearing	346
Mar.	12	Placed on General File	766
Mar.	29	Bracketed	1030

LEGISLATIVE BILL 360 By Warner

Jan.	30	Read first time	270
Feb.	1	Referred to Committee on Judiciary	289
Feb.	2	Notice of hearing	322
Feb.	26	Placed on General File	584
Mar.	16	Referred for review	838
Mar.	20	Placed on Select File	863
Mar.	21	Referred for engrossment	882
Mar.	22	Replaced on Select File	899
Mar.	23	Referred for engrossment	917
Mar.	26	Correctly engrossed	948
Mar.	29	Final Reading	1007
Apr.	2	Correctly enrolled. President signed	1033
Apr.	3	Presented to Governor	1064
Apr.	4	Approved by Governor	1106

LEGISLATIVE BILL 361 By Stahmer

Jan.	31	Read first time	275
Feb.	1	Referred to Committee on Public Health and Welfare	289
Feb.	6	Notice of hearing	345
Apr.	12	Placed on General File	1253

LEGISLATIVE BILL 362 By Dickinson

Jan.	31	Read first time	275
Feb.	1	Referred to Committee on Education	289
Feb.	9	Notice of hearing	391

LEGISLATIVE BILL 363 By F. Lewis

Jan.	31	Read first time	275
Feb.	1	Referred to Committee on Judiciary	289
Feb.	2	Notice of hearing	322
Mar.	16	Placed on General File	842
Mar.	23	Referred for review	924
Mar.	29	Placed on Select File	1015
Apr.	2	Referred for engrossment	1039
Apr.	4	Correctly engrossed	1100
Apr.	10	Final Reading	1186
Apr.	10	Correctly enrolled. President signed	1199
Apr.	11	Presented to Governor	1208
Apr.	11	Explanation of vote	1212
Apr.	12	Approved by Governor	1243

LEGISLATIVE BILL 364 By R. Lewis

Jan.	31	Read first time	275
Feb.	1	Referred to Committee on Public Works	289
Feb.	2	Notice of hearing. Hearing cancelled	322
Feb.	5	Notice of hearing. Reset	333
Feb.	26	Placed on General File	585
Mar.	2	Laid over	662
Mar.	8	Request	726
Mar.	16	Request. Laid over	840
Mar.	20	Request	872
Mar.	26	Referred for review	950
Apr.	2	Placed on Select File	1044
Apr.	3	Referred for engrossment	1074
Apr.	5	Replaced on Select File	1116
Apr.	9	Referred for engrossment	1157
Apr.	10	Replaced on Select File	1183
Apr.	11	Referred for engrossment	1213
Apr.	16	Correctly engrossed	1270
Apr.	18	Final Reading	1347
Apr.	18	Correctly enrolled. President signed	1374
Apr.	19	Presented to Governor	1377
Apr.	30	Approved by Governor	1394

LEGISLATIVE BILL 365 By Waldron

Jan.	31	Read first time	276
Feb.	1	Referred to Committee on Public Works	289
Feb.	5	Notice of hearing	333
Feb.	26	Placed on General File	585
Mar.	2	Bracketed	662

May	2	Unbracketed	1455
May	9	Referred for review	1587
May	11	Placed on Select File	1650
May	11	Referred for engrossment	1655
May	15	Correctly engrossed	1704
May	24	Motion. Returned to E & R Final	1868
May	24	Correctly re-engrossed	1888
June	1	Final Reading	1954
June	1	Explanation of vote	1962
June	1	Correctly enrolled	1965
June	1	President signed	1966
June	1	Presented to Governor	1968
June	2	Approved by Governor	1971

LEGISLATIVE BILL 366 By Waldron

Jan.	31	Read first time	276
Feb.	1	Referred to Committee on Miscellaneous Subjects	289
Feb.	12	Notice of hearing	395
Apr.	3	Placed on General File	1073
May	3	Request	1481
May	9	Referred for review	1589
May	14	Placed on Select File	1687
May	14	Referred for engrossment	1689
May	15	Replaced on Select File	1712
May	15	Referred for engrossment	1716
May	18	Correctly engrossed	1786
May	23	Motion. Returned to E & R Final	1833
May	23	Replaced on Select File	1847
May	23	Referred for re-engrossment	1848
May	23	Correctly re-engrossed	1859
June	1	Final Reading	1955
June	1	Explanation of vote	1962
June	1	Correctly enrolled	1965
June	1	President signed	1966
June	1	Presented to Governor	1968
June	2	Returned by Governor without approval	1971
June	2	Letter	1972

LEGISLATIVE BILL 367 By Waldron

Jan.	31	Read first time	276
Feb.	1	Referred to Committee on Revenue	289
Feb.	6	Notice of hearing	345
Feb.	15	Indefinitely postponed	460
Feb.	16	Attorney General Opinion	468

LEGISLATIVE BILL 368 By Duis

Jan.	31	Read first time	276
Feb.	1	Referred to Committee on Public Works	289
Feb.	5	Notice of hearing	333
Mar.	26	Placed on General File	937
Apr.	12	Referred for review	1250
Apr.	16	Placed on Select File	1270
Apr.	17	Referred for engrossment	1316
Apr.	30	Correctly engrossed	1399
May	3	Final Reading	1468
May	3	Correctly enrolled. Speaker signed	1478
May	3	Presented to Governor	1484
May	4	Approved by Governor	1500

LEGISLATIVE BILL 369 By Moylan

Jan.	31	Read first time	276
Feb.	1	Referred to Committee on Judiciary	289
Feb.	2	Notice of hearing	322
Feb.	21	Indefinitely postponed	530

LEGISLATIVE BILL 370 By Chambers

Jan.	31	Read first time	277
Feb.	1	Referred to Committee on Education	289
Feb.	9	Notice of hearing	391
Mar.	20	Placed on General File	870
Apr.	5	Laid over	1144
Apr.	12	Referred for review	1243
Apr.	16	Placed on Select File	1291
Apr.	17	Referred for engrossment	1318
Apr.	30	Correctly engrossed	1399
May	3	Final Reading	1468
May	3	Correctly enrolled. Speaker signed	1478
May	3	Explanation of vote	1481
May	3	Presented to Governor	1484
May	4	Approved by Governor	1500

LEGISLATIVE BILL 371 By Fowler

Jan.	31	Read first time	277
Feb.	1	Referred to Committee on Labor	289
Feb.	7	Notice of hearing	363
Mar.	22	Indefinitely postponed	911

LEGISLATIVE BILL 372 By Fowler

Jan.	31	Read first time	277
Feb.	1	Referred to Committee on Labor	289
Feb.	7	Notice of hearing	363
Mar.	22	Placed on General File	911
Apr.	12	Referred for review	1239
Apr.	16	Placed on Select File	1269
Apr.	17	Referred for engrossment	1316
Apr.	19	Correctly engrossed	1383
May	2	Failed on Final Reading	1446
May	2	Motion. Final Reading	1450
May	2	Correctly enrolled. Speaker signed	1454
May	2	Presented to Governor	1457
May	4	Approved by Governor	1500

LEGISLATIVE BILL 373 By Fowler

Jan.	31	Read first time	277
Feb.	1	Referred to Committee on Urban Affairs	289
Feb.	5	Notice of hearing	331
Feb.	16	Placed on General File	472
Feb.	23	Referred for review	559
Feb.	27	Placed on Select File	591
Feb.	28	Referred for engrossment	626
Mar.	1	Replaced on Select File	638
Mar.	2	Referred for engrossment	659
Mar.	5	Correctly engrossed	670
Mar.	8	Final Reading	732
Mar.	12	Correctly enrolled. Speaker signed	750
Mar.	13	Presented to Governor	772
Mar.	14	Approved by Governor	799

LEGISLATIVE BILL 374 By Appropriations Committee

Jan.	31	Read first time	277
Feb.	1	Referred to Committee on Constitutional Revision and Recreation	289
Feb.	8	Notice of hearing	370
Mar.	19	Placed on General File	855
Apr.	5	Referred for review	1143
Apr.	9	Placed on Select File	1171
Apr.	10	Referred for engrossment	1191
Apr.	16	Correctly engrossed	1270
Apr.	18	Final Reading	1348
Apr.	18	Correctly enrolled. President signed	1374
Apr.	19	Presented to Governor	1377
Apr.	30	Approved by Governor	1394

LEGISLATIVE BILL 375 By Interim Study Committee

Jan.	31	Read first time	277
Feb.	1	Referred to Committee on Public Health and Welfare	289
Feb.	6	Notice of hearing	345
May	1	Placed on General File	1441

LEGISLATIVE BILL 376 By Marvel

Jan.	31	Read first time	278
Feb.	1	Referred to Committee on Public Health and Welfare	289
Feb.	6	Notice of hearing	345
Feb.	16	Motion. Motion prevailed	466
May	2	Indefinitely postponed	1459

LEGISLATIVE BILL 377 By Simpson

Jan.	31	Read first time	278
Feb.	1	Referred to Committee on Government, Military and Veteran's Affairs	289
Feb.	14	Notice of hearing	439
Mar.	23	Placed on General File	928

LEGISLATIVE BILL 378 By Rasmussen

Jan.	31	Read first time	278
Feb.	1	Referred to Committee on Agriculture and Environment	289
Feb.	14	Notice of hearing	442
Mar.	27	Placed on General File	970
Mar.	28	Referred for review	1001
Apr.	3	Placed on Select File	1071
Apr.	4	Referred for engrossment	1099
Apr.	9	Replaced on Select File	1165
Apr.	10	Referred for engrossment	1188
Apr.	11	Correctly engrossed	1219
Apr.	18	Motion. Replaced on Select File	1364
Apr.	30	Notice of hearing. Reset	1415
Apr.	30	Request. Motion. Re-referred to Committee	1417
May	11	Placed on General File	1625
May	15	Referred for review	1711
May	18	Placed on Select File	1780
May	18	Referred for re-engrossment	1788

May	23	Correctly re-engrossed	1828
May	23	Motion. Replaced on Select File	1848
May	23	Referred for re-engrossment	1849
May	23	Replaced on Select File	1854
May	23	Referred for re-engrossment. Motion. Replaced on Select File	1855
May	23	Referred for re-engrossment	1856
May	24	Replaced on Select File	1887
May	24	Referred for re-engrossment. Correctly re-engrossed	1888
June	1	Final Reading	1957
June	1	Explanation of vote	1962
June	1	Correctly enrolled	1965
June	1	President signed	1966
June	1	Presented to Governor	1968
June	2	Approved by Governor	1971

LEGISLATIVE BILL 378A By Rasmussen

Apr.	2	Read first time. Placed on General File	1037
Apr.	4	Referred for review	1107
Apr.	5	Placed on Select File	1139
Apr.	9	Referred for engrossment	1158
Apr.	11	Replaced on Select File	1207
Apr.	12	Referred for engrossment	1234
Apr.	16	Correctly engrossed	1270
Apr.	18	Motion. Replaced on Select File. Indefinitely postponed	1365

LEGISLATIVE BILL 379 By Fellman

Jan.	31	Read first time	278
Feb.	1	Referred to Committee on Judiciary	289
Feb.	2	Notice of hearing	322
Feb.	22	Indefinitely postponed	548

LEGISLATIVE BILL 380 By Savage

Jan.	31	Read first time	278
Feb.	1	Referred to Committee on Judiciary	289
Feb.	2	Notice of hearing	321
Feb.	26	Placed on General File	584
Mar.	16	Referred for review	838
Mar.	20	Placed on Select File	864
Mar.	21	Referred for engrossment	882

Mar.	22	Replaced on Select File	899
Mar.	23	Referred for engrossment	917
Mar.	26	Request	953
Mar.	27	Correctly engrossed	979
Apr.	2	Final Reading	1036
Apr.	3	Correctly enrolled. President signed	1065
Apr.	4	Presented to Governor. Explanation of vote	1101
Apr.	11	Approved by Governor	1215

LEGISLATIVE BILL 381 By Kelly

Jan.	31	Read first time	283
Feb.	1	Referred to Committee on Miscellaneous Subjects	289
Feb.	12	Notice of hearing	395
Mar.	21	Placed on General File	879
Mar.	23	Referred for review	924
Mar.	29	Placed on Select File	1015
Apr.	2	Referred for engrossment	1040
Apr.	5	Correctly engrossed	1135
Apr.	11	Final Reading	1209
Apr.	11	Final Reading	1210
Apr.	12	Correctly enrolled	1223
Apr.	12	Speaker signed	1224
Apr.	12	Presented to Governor	1244
Apr.	17	Approved by Governor	1302

LEGISLATIVE BILL 382 By C. Carsten, Wiltse

Jan.	31	Read first time	283
Feb.	1	Referred to Committee on Revenue	289
Feb.	6	Notice of hearing	345
Mar.	7	Indefinitely postponed	720

LEGISLATIVE BILL 383 By Fellman

Jan.	31	Read first time	283
Feb.	1	Referred to Committee on Public Works	289
Feb.	6	Notice of hearing	340
Feb.	26	Indefinitely postponed	584

LEGISLATIVE BILL 384 By Nore

Jan.	31	Read first time	283
Feb.	1	Referred to Committee on Public Works	289
Feb.	5	Notice of hearing	333
Mar.	2	Placed on General File	664

Mar.	23	Referred for review	920
Mar.	28	Placed on Select File	986
Mar.	29	Referred for engrossment	1010
Apr.	2	Correctly engrossed	1033
Apr.	5	Final Reading	1120
Apr.	9	Correctly enrolled. President signed	1156
Apr.	9	Presented to Governor	1174
Apr.	11	Approved by Governor	1215

LEGISLATIVE BILL 385 By Marvel

Jan.	31	Read first time	284
Feb.	1	Referred to Committee on Appropriations	289
Feb.	20	Notice of hearing	509

LEGISLATIVE BILL 386 By Snyder

Jan.	31	Read first time	284
Feb.	1	Referred to Committee on Education	289
Feb.	9	Notice of hearing	392
Feb.	27	Indefinitely postponed	605

LEGISLATIVE BILL 387 By Snyder

Jan.	31	Read first time	284
Feb.	1	Referred to Committee on Judiciary	289
Feb.	2	Notice of hearing	321
May	11	Placed on General File	1641
May	15	Referred for review	1710
May	17	Placed on Select File	1759
May	17	Referred for engrossment	1774
May	18	Replaced on Select File	1784
May	18	Referred for engrossment	1789
May	23	Correctly engrossed	1816
May	25	Final Reading	1907
May	25	Explanation of vote	1912
May	25	Correctly enrolled. President signed	1915
May	25	Presented to Governor	1925
June	1	Approved by Governor	1940

LEGISLATIVE BILL 388 By F. Lewis

Jan.	31	Read first time	284
Feb.	1	Referred to Committee on Nebraska Retirement Systems	289
Mar.	12	Notice of hearing	761
Mar.	13	Hearing cancelled	772
Mar.	13	Notice of hearing. Reset	783

LEGISLATIVE BILL 389 By Hasebroock

Jan.	31	Read first time	284
Feb.	1	Referred to Committee on Constitutional Revision and Recreation	289
Feb.	8	Notice of hearing	370
Mar.	16	Placed on General File	838
Apr.	5	Bracketed	1142

LEGISLATIVE BILL 390 By Murphy

Jan.	31	Read first time	284
Feb.	1	Referred to Committee on Banking, Commerce and Insurance	289
Feb.	5	Notice of hearing	327
Feb.	14	Placed on General File	445
Feb.	23	Referred for review	561
Feb.	27	Placed on Select File	594
Feb.	28	Referred for engrossment	628
Mar.	1	Replaced on Select File	639
Mar.	2	Referred for engrossment	659
Mar.	6	Correctly engrossed	692
Mar.	12	Final Reading	758
Mar.	13	Correctly enrolled. President signed	772
Mar.	14	Presented to Governor	790
Mar.	15	Approved by Governor	821

LEGISLATIVE BILL 391 By Interim Study Committee

Jan.	31	Read first time	285
Feb.	1	Referred to Committee on Agriculture and Environment	289
Feb.	7	Notice of hearing	349
Feb.	22	Placed on General File	544
Feb.	23	Referred for review	560
Feb.	27	Placed on Select File	593
Feb.	28	Referred for engrossment	627
Mar.	2	Correctly engrossed	656
Mar.	7	Final Reading	708
Mar.	8	Correctly enrolled. President signed	733
Mar.	12	Presented to Governor	750
Mar.	14	Approved by Governor	799

LEGISLATIVE BILL 392 By Interim Study Committee

Jan.	31	Read first time	285
Feb.	1	Referred to Committee on Agriculture and Environment	289

Feb.	7	Notice of hearing	349
Mar.	27	Indefinitely postponed	966

LEGISLATIVE BILL 393 By Schmit

Jan.	31	Read first time	285
Feb.	1	Referred to Committee on Government, Military and Veteran's Affairs	289
Feb.	14	Notice of hearing	439

LEGISLATIVE BILL 394 By Marsh

Jan.	31	Read first time	285
Feb.	1	Referred to Committee on Judiciary	289
Feb.	2	Notice of hearing	322
Mar.	5	Indefinitely postponed	678

LEGISLATIVE BILL 395 By Rasmussen

Jan.	31	Read first time	285
Feb.	1	Referred to Committee on Education	289
Feb.	9	Notice of hearing	391
Feb.	27	Placed on General File	605
Mar.	16	Referred for review	842
Mar.	20	Placed on Select File	865
Mar.	21	Referred for engrossment	882
Mar.	23	Correctly engrossed	925
Mar.	28	Final Reading	990
Mar.	28	Correctly enrolled. President signed	995
Mar.	29	Presented to Governor	1016
Apr.	2	Approved by Governor	1033

LEGISLATIVE BILL 396 By Whitney

Feb.	1	Read first time	292
Feb.	2	Referred to Committee on Banking, Commerce and Insurance	311
Feb.	12	Notice of hearing	406
Feb.	26	Request	576
Mar.	1	Placed on General File	646
Mar.	27	Bracketed	963
Apr.	10	Bracketed	1201

LEGISLATIVE BILL 397 By Clark

Feb.	1	Read first time	292
Feb.	2	Referred to Committee on Public Works	311
Feb.	5	Notice of hearing	333

Mar.	13	Placed on General File	785
Apr.	4	Referred for review	1112
Apr.	5	Placed on Select File	1140
Apr.	9	Referred for engrossment	1159
Apr.	11	Motion. Replaced on Select File	1217
Apr.	11	Referred for engrossment	1218
Apr.	12	Replaced on Select File	1224
Apr.	12	Referred for engrossment	1257
Apr.	17	Correctly engrossed	1295
Apr.	30	Final Reading	1402
May	1	Correctly enrolled. Speaker signed	1424
May	1	Presented to Governor	1431
May	3	Approved by Governor	1483

LEGISLATIVE BILL 398 By Maresh

Feb.	1	Read first time	292
Feb.	2	Referred to Committee on Public Works	311
Feb.	2	Co-introducer added	314
Feb.	5	Notice of hearing. Hearing cancelled	334
Feb.	6	Notice of hearing. Hearing reset	340
Mar.	26	Indefinitely postponed	937

LEGISLATIVE BILL 399 By Anderson

Feb.	1	Read first time	292
Feb.	2	Referred to Committee on Education	311
Feb.	21	Notice of hearing	529
Mar.	20	Placed on General File	870
Mar.	23	Laid over	924
Apr.	5	Laid over	1144
Apr.	12	Referred for review	1239
Apr.	16	Placed on Select File	1269
Apr.	17	Referred for engrossment	1316
Apr.	19	Correctly engrossed	1383
May	2	Final Reading	1447
May	2	Correctly enrolled. Speaker signed	1454
May	2	Presented to Governor	1457
May	4	Approved by Governor	1500

LEGISLATIVE BILL 400 By Anderson

Feb.	1	Read first time	292
Feb.	2	Referred to Committee on Agriculture and Environment	311
Feb.	28	Notice of hearing	623

Apr.	9	Placed on General File	1155
May	15	Referred for review	1711
May	17	Placed on Select File. Referred for engrossment	1775
May	18	Correctly engrossed	1811
May	24	Final Reading	1891
May	24	Correctly enrolled. President signed	1897
May	25	Presented to Governor	1900
June	1	Approved by Governor	1935

LEGISLATIVE BILL 401 By Anderson

Feb.	1	Read first time	293
Feb.	2	Referred to Committee on Revenue	311
Feb.	13	Notice of hearing	424
Mar.	20	Indefinitely postponed	868

LEGISLATIVE BILL 402 By Anderson

Feb.	1	Read first time	293
Feb.	2	Referred to Committee on Education	311
Feb.	9	Notice of hearing	391
Mar.	15	Placed on General File	806
Apr.	5	Referred for review	1142
Apr.	9	Placed on Select File	1166
Apr.	10	Referred for engrossment	1189
Apr.	12	Correctly engrossed	1246
Apr.	18	Motion. Replaced on Select File. Referred for re-engrossment	1332
Apr.	18	Replaced on Select File	1343
Apr.	30	Referred for re-engrossment	1417
May	2	Correctly re-engrossed	1444
May	7	Final Reading	1521
May	7	Correctly enrolled	1526
May	7	President signed	1535
May	7	Presented to Governor	1542
May	9	Approved by Governor	1571

LEGISLATIVE BILL 403 By Stahmer

Feb.	1	Read first time	293
Feb.	2	Referred to Committee on Education	311
Feb.	21	Notice of hearing	529
Apr.	2	Placed on General File	1033
May	15	Referred for review	1710
May	18	Placed on Select File	1779

May	18	Referred for engrossment	1788
May	23	Replaced on Select File	1816
May	23	Referred for engrossment	1829
May	23	Correctly engrossed	1830
May	25	Final Reading	1907
May	25	Correctly enrolled. President signed	1915
May	25	Presented to Governor	1925
June	1	Approved by Governor	1940

LEGISLATIVE BILL 404 By Snyder

Feb.	1	Read first time	293
Feb.	2	Referred to Committee on Public Health and Welfare	311
Feb.	12	Notice of hearing. Hearing cancelled	395
Mar.	13	Notice of hearing. Hearing reset	783
Mar.	16	Bracketed	833
May	2	Indefinitely postponed	1459

LEGISLATIVE BILL 405 By Savage

Feb.	1	Read first time	293
Feb.	2	Referred to Committee on Banking, Commerce and Insurance	311
Feb.	8	Notice of hearing	369
Feb.	28	Placed on General File	633
Mar.	27	Referred for review	962
Apr.	2	Placed on Select File	1045
Apr.	3	Referred for engrossment	1075
Apr.	5	Correctly engrossed	1135
Apr.	11	Final Reading	1211
Apr.	12	Correctly enrolled	1223
Apr.	12	Speaker signed	1224
Apr.	12	Presented to Governor	1244
Apr.	17	Approved by Governor	1302

LEGISLATIVE BILL 406 By Savage

Feb.	1	Read first time	293
Feb.	2	Referred to Committee on Banking, Commerce and Insurance	311
Feb.	8	Notice of hearing	369
Feb.	28	Placed on General File	633
Mar.	27	Laid over	962
Mar.	29	Referred for review	1017
Apr.	4	Placed on Select File	1093
Apr.	5	Referred for engrossment	1132
Apr.	10	Correctly engrossed	1198
Apr.	17	Final Reading	1307

LEGISLATIVE BILL 407 By Savage

Feb.	1	Read first time	294
Feb.	2	Referred to Committee on Education	311
Feb.	9	Notice of hearing	392
Feb.	27	Indefinitely postponed	605

LEGISLATIVE BILL 408 By Savage

Feb.	1	Read first time	294
Feb.	2	Referred to Committee on Education	311
Feb.	21	Notice of hearing	529
Mar.	15	Placed on General File	806
Apr.	5	Referred for review	1142
Apr.	9	Placed on Select File	1167
Apr.	10	Referred for engrossment	1189
Apr.	12	Correctly engrossed	1246
Apr.	18	Final Reading	1333
Apr.	18	Correctly enrolled. Speaker signed	1342
Apr.	18	Presented to Governor	1354
Apr.	30	Approved by Governor	1394

LEGISLATIVE BILL 409 By Savage

Feb.	1	Read first time	294
Feb.	2	Referred to Committee on Judiciary	311
Feb.	8	Notice of hearing	370
Feb.	23	Indefinitely postponed	563

LEGISLATIVE BILL 410 By Burbach

Feb.	1	Read first time	294
Feb.	2	Referred to Committee on Agriculture and Environment	311
Feb.	14	Notice of hearing	442
Mar.	12	Indefinitely postponed	752

LEGISLATIVE BILL 411 By Waldron

Feb.	1	Read first time	294
Feb.	2	Referred to Banking, Commerce and Insurance	311
Feb.	8	Notice of hearing	369
Feb.	16	Notice of hearing. Hearing cancelled. Notice of hearing. Reset	471
Mar.	16	Placed on General File	833

Apr.	10	Referred for review	1202
Apr.	12	Placed on Select File	1226
Apr.	12	Referred for engrossment	1257
Apr.	17	Correctly engrossed	1295
Apr.	30	Final Reading	1403
May	1	Correctly enrolled. Speaker signed	1424
May	1	Presented to Governor	1431
May	3	Approved by Governor	1483

LEGISLATIVE BILL 412 By Nore

Feb.	1	Read first time	294
Feb.	2	Referred to Committee on Education	311
Feb.	28	Placed on General File	629
Mar.	23	Referred for review	920
Mar.	27	Placed on Select File	957
Mar.	28	Referred for engrossment	997
Apr.	2	Correctly engrossed	1033
Apr.	5	Final Reading	1121
Apr.	9	Correctly enrolled. President signed	1156
Apr.	9	Presented to Governor	1174
Apr.	11	Approved by Governor	1215

LEGISLATIVE BILL 413 By Nore

Feb.	1	Read first time	294
Feb.	2	Referred to Committee on Education	311
Feb.	28	Placed on General File	629
Mar.	27	Referred for review	963
Apr.	3	Placed on Select File	1069
Apr.	4	Referred for engrossment	1098
Apr.	5	Replaced on Select File	1139
Apr.	9	Referred for engrossment	1158
Apr.	10	Correctly engrossed	1198
Apr.	17	Final Reading	1308
Apr.	18	Correctly enrolled. President signed	1321
Apr.	18	Presented to Governor	1326
Apr.	30	Approved by Governor	1394

LEGISLATIVE BILL 414 By Stromer

Feb.	1	Read first time	294
Feb.	2	Referred to Committee on Public Works	311
Feb.	5	Notice of hearing	333
Mar.	14	Placed on General File	796
Apr.	4	Referred for review	1112
Apr.	5	Request	1133

Apr.	5	Placed on Select File	1140
Apr.	9	Referred for engrossment	1159
Apr.	10	Replaced on Select File	1184
Apr.	11	Referred for engrossment	1213
Apr.	16	Correctly engrossed	1270
Apr.	18	Final Reading	1349
Apr.	18	Correctly enrolled. President signed	1374
Apr.	19	Presented to Governor	1377
Apr.	30	Approved by Governor	1394

LEGISLATIVE BILL 415 By Maresh

Feb.	1	Read first time	295
Feb.	2	Referred to Committee on Public Works	311
Feb.	5	Notice of hearing	333
Mar.	6	Placed on General File	686
Mar.	23	Laid over	921
Mar.	29	Referred for review	1018
Apr.	5	Placed on Select File	1139
Apr.	9	Referred for engrossment	1158
Apr.	12	Correctly engrossed	1246
Apr.	18	Final Reading	1333
Apr.	18	Correctly enrolled. Speaker signed	1342
Apr.	18	Presented to Governor	1354
Apr.	30	Approved by Governor	1394

LEGISLATIVE BILL 416 By R. Lewis

Feb.	1	Read first time	295
Feb.	2	Referred to Committee on Public Health and Welfare	311
Feb.	12	Notice of hearing	395
Mar.	2	Placed on General File	662
Mar.	8	Request	725
Mar.	23	Referred for review	924
Mar.	29	Placed on Select File	1015
Apr.	2	Referred for engrossment	1040
Apr.	3	Motion. Replaced on Select File	1076
Apr.	3	Referred for engrossment	1077
Apr.	4	Correctly engrossed	1100
Apr.	10	Final Reading	1186
Apr.	10	Correctly enrolled. President signed	1199
Apr.	11	Presented to Governor	1208
Apr.	11	Explanation of vote	1212
Apr.	11	Explanation of vote	1214
Apr.	17	Approved by Governor	1302

LEGISLATIVE BILL 417 By Fowler

Feb.	1	Read first time	295
Feb.	2	Referred to Committee on Public Works	311
Feb.	5	Notice of hearing	333
Feb.	26	Placed on General File	585
Mar.	16	Referred for review	841
Mar.	20	Placed on Select File	864
Mar.	21	Bracketed	882
Mar.	22	Unbracketed. Referred for engrossment	901
Mar.	23	Bracketed	917
Mar.	29	Unbracketed	1010
Apr.	2	Correctly engrossed	1033
Apr.	5	Final Reading	1122
Apr.	9	Correctly enrolled. President signed	1156
Apr.	9	Presented to Governor	1174
Apr.	12	Approved by Governor	1243

LEGISLATIVE BILL 418 By Fowler

Feb.	1	Read first time	295
Feb.	2	Referred to Committee on Public Health and Welfare	311
Feb.	12	Notice of hearing	395
Mar.	2	Indefinitely postponed	660

LEGISLATIVE BILL 419 By Fowler

Feb.	1	Read first time	295
Feb.	2	Referred to Committee on Miscellaneous Subjects	311
Feb.	12	Notice of hearing	395
Mar.	21	Indefinitely postponed	894

LEGISLATIVE BILL 420 By Nebraska Retirement Systems Committee

Feb.	1	Read first time	295
Feb.	2	Referred to Committee on Nebraska Retirement Systems	311
Feb.	19	Notice of hearing	474
Mar.	20	Placed on General File	865
Mar.	28	Referred for review	1000
Apr.	3	Placed on Select File	1070
Apr.	4	Referred for engrossment	1098
Apr.	9	Correctly engrossed	1156
Apr.	12	Final Reading	1229

Apr.	12	Correctly enrolled. Speaker signed	1256
Apr.	16	Presented to Governor	1271
Apr.	17	Approved by Governor	1302

LEGISLATIVE BILL 421 By Kime

Feb.	1	Read first time	296
Feb.	2	Referred to Committee on Constitutional Revision and Recreation	311
Feb.	6	Notice of hearing	345
Feb.	12	Motion. Motion pending	399
Feb.	13	Motion renewed. Motion prevailed	419

LEGISLATIVE BILL 422 By Johnson

Feb.	1	Read first time	296
Feb.	2	Referred to Committee on Education	311
Feb.	9	Notice of hearing	392
Apr.	4	Placed on General File	1112
Apr.	12	Referred for review	1241
Apr.	16	Placed on Select File	1291
Apr.	17	Referred for engrossment	1317
Apr.	30	Correctly engrossed	1399
May	3	Final Reading	1469
May	3	Correctly enrolled. Speaker signed	1478
May	3	Presented to Governor	1484
May	4	Approved by Governor	1500

LEGISLATIVE BILL 423 By Nebraska Retirement Systems Committee

Feb.	1	Read first time	296
Feb.	2	Referred to Committee on Nebraska Retirement Systems	311
Mar.	8	Notice of hearing	725
Apr.	30	Placed on General File	1399
May	4	Referred for review	1509
May	8	Placed on Select File	1547
May	9	Referred for engrossment	1573
May	9	Replaced on Select File	1590
May	10	Referred for engrossment	1605
May	11	Bracketed	1616
May	16	Unbracketed	1728
May	16	Request	1728
May	16	Motion. Motion lost	1728
May	16	Replaced on Select File	1734
May	16	Referred for engrossment	1736
May	17	Replaced on Select File	1759

May	17	Referred for engrossment	1774
May	23	Correctly engrossed	1816
May	25	Final Reading	1908
May	25	Correctly enrolled. President signed	1915
May	25	Presented to Governor	1925
June	1	Approved by Governor	1935

LEGISLATIVE BILL 424 By Johnson

Feb.	1	Read first time	296
Feb.	2	Referred to Committee on Public Works	311
Feb.	5	Notice of hearing	333
Mar.	1	Indefinitely postponed	648

LEGISLATIVE BILL 425 By R. Lewis

Feb.	1	Read first time	296
Feb.	2	Referred to Committee on Banking, Commerce and Insurance	311
Feb.	5	Notice of hearing	327
Feb.	28	Placed on General File	633
Mar.	23	Referred for review	919
Mar.	27	Placed on Select File	957
Mar.	28	Referred for engrossment	996
Mar.	29	Correctly engrossed	1016
Apr.	4	Final Reading	1097
Apr.	5	Correctly enrolled. President signed	1117
Apr.	9	Presented to Governor	1155
Apr.	9	Approved by Governor	1176

LEGISLATIVE BILL 426 By Anderson

Feb.	1	Read first time	296
Feb.	2	Referred to Committee on Government, Military and Veteran's Affairs	311
Feb.	14	Notice of hearing	439

LEGISLATIVE BILL 427 By Interim Study Committee

Feb.	1	Read first time	297
Feb.	2	Referred to Committee on Education	311
Mar.	7	Notice of hearing	717

LEGISLATIVE BILL 428 By Whitney

Feb.	1	Read first time	297

Feb.	2	Referred to Committee on Nebraska Retirement Systems	311
Mar.	1	Notice of hearing	647
Mar.	27	Placed on General File	978
Mar.	28	Referred for review	1000
Apr.	3	Placed on Select File	1071
Apr.	4	Referred for engrossment	1099
Apr.	9	Correctly engrossed	1156
Apr.	12	Final Reading	1230
Apr.	12	Correctly enrolled. Speaker signed	1256
Apr.	16	Presented to Governor	1271
Apr.	17	Approved by Governor	1302

LEGISLATIVE BILL 429 By Nore

Feb.	1	Read first time	297
Feb.	2	Referred to Committee on Education	311
Feb.	28	Placed on General File	629
Mar.	23	Referred for review	920
Mar.	27	Placed on Select File	957
Mar.	28	Referred for engrossment	997
Apr.	2	Correctly engrossed	1033
Apr.	5	Final Reading	1123
Apr.	9	Correctly enrolled. President signed	1156
Apr.	9	Presented to Governor	1174
Apr.	11	Approved by Governor	1215

LEGISLATIVE BILL 430 By Nore

Feb.	1	Read first time	297
Feb.	2	Referred to Committee on Education	311
Feb.	28	Placed on General File	630
Mar.	23	Referred for review	920
Mar.	27	Placed on Select File	957
Mar.	28	Referred for engrossment	997
Apr.	2	Correctly engrossed	1033
Apr.	5	Final Reading	1123
Apr.	9	Correctly enrolled. President signed	1156
Apr.	9	Presented to Governor	1174
Apr.	11	Approved by Governor	1215

LEGISLATIVE BILL 431 By Marvel

Feb.	1	Read first time	297
Feb.	2	Referred to Committee on Appropriations	311
Feb.	20	Notice of hearing	509
Mar.	7	Placed on General File	719

Mar.	23	Referred for review	921
Mar.	29	Placed on Select File	1013
Apr.	2	Referred for engrossment	1038
Apr.	5	Correctly engorssed	1135
Apr.	11	Final Reading	1211
Apr.	12	Correctly enrolled	1223
Apr.	12	Speaker signed	1224
Apr.	12	Presented to Governor	1244
Apr.	17	Approved by Governor	1302

LEGISLATIVE BILL 432 By Interim Study Committee

Feb.	1	Read first time	297
Feb.	2	Referred to Committee on Education	311
Feb.	21	Notice of hearing	529
Mar.	22	Indefinitely postponed	910
Mar.	26	Motion. Motion pending	939
Apr.	2	Motion renewed. Placed on General File	1062
May	4	Request	1495

LEGISLATIVE BILL 433 By Marsh

Feb.	1	Read first time	297
Feb.	2	Referred to Committee on Judiciary	311
Feb.	8	Notice of hearing	370
Mar.	6	Indefinitely postponed	700

LEGISLATIVE BILL 434 By Waldron

Feb.	1	Read first time	298
Feb.	2	Referred to Committee on Revenue	311
Feb.	8	Notice of hearing	370
Feb.	20	Hearing cancelled. Notice of hearing. Reset	501
Mar.	26	Placed on General File	952

LEGISLATIVE BILL 435 By Nore

Feb.	1	Read first time	298
Feb.	2	Referred to Committee on Education	311
Feb.	28	Placed on General File	630
Mar.	23	Laid over	920
Mar.	27	Laid over	963
Mar.	27	Referred for review	976
Apr.	3	Placed on Select File	1069
Apr.	4	Referred for engrossment	1098

Apr.	9	Correctly engrossed	1156
Apr.	12	Laid over	1230
Apr.	17	Bracketed	1309
Apr.	18	Motion. Replaced on Select File. Referred for engrossment. Bracketed	1366
May	4	Unbracketed. Motion. Replaced on Select File. Referred for engrossment	1496
May	4	Motion. Replaced on Select File. Referred for engrossment	1497
May	4	Motion. Referred for engrossment	1504
May	9	Motion. Bracketed	1570

LEGISLATIVE BILL 436 By Cavanaugh

Feb.	1	Read first time	298
Feb.	2	Referred to Committee on Judiciary	311
Feb.	8	Notice of hearing	370
Mar.	21	Placed on General File	891
Apr.	9	Referred for review	1176
Apr.	11	Placed on Select File	1208
Apr.	12	Referred for engrossment	1235
Apr.	16	Correctly engrossed	1270
Apr.	18	Final Reading	1349
Apr.	18	Correctly enrolled. President signed	1374
Apr.	19	Presented to Governor	1377
Apr.	30	Approved by Governor	1394

LEGISLATIVE BILL 437 By Barnett

Feb.	1	Read first time	298
Feb.	2	Referred to Committee on Public Works	311
Feb.	5	Notice of hearing	333
Feb.	22	Notice of hearing continued	543
Mar.	12	Indefinitely postponed	752

LEGISLATIVE BILL 438 By Waldron

Feb.	1	Read first time	298
Feb.	2	Referred to Committee on Public Works	311
Feb.	5	Notice of hearing	333
Mar.	29	Placed on General File	1006

LEGISLATIVE BILL 439 By Interim Study Committee

Feb.	1	Read first time	298
Feb.	2	Referred to Committee on Appropriations	311
Feb.	20	Notice of hearing	509

LEGISLATIVE BILL 440 By F. Lewis

Feb.	1	Read first time	299
Feb.	2	Referred to Committee on Education	312
Feb.	21	Notice of hearing	529
Mar.	20	Indefinitely postponed	869

LEGISLATIVE BILL 441 By Murphy

Feb.	1	Read first time	299
Feb.	2	Referred to Committee on Banking, Commerce and Insurance	312
Feb.	12	Notice of hearing	406
Mar.	1	Placed on General File	646
Mar.	23	Referred for review	920
Mar.	28	Placed on Select File	986
Mar.	29	Referred for engrossment	1009
Apr.	2	Correctly engrossed	1033
Apr.	5	Final Reading	1124
Apr.	9	Correctly enrolled. President signed	1156
Apr.	9	Presented to Governor	1174
Apr.	11	Approved by Governor	1215

LEGISLATIVE BILL 442 By Rasmussen

Feb.	1	Read first time	304
Feb.	2	Referred to Committee on Labor	312
Feb.	7	Notice of hearing	363
Mar.	29	Indefinitely postponed	1025

LEGISLATIVE BILL 443 By Epke

Feb.	1	Read first time	304
Feb.	2	Referred to Committee on Public Works	312
Feb.	5	Notice of hearing	333
Mar.	12	Placed on General File	753
Mar.	29	Referred for review	1026
Apr.	4	Placed on Select File	1095
Apr.	5	Referred for engrossment	1133
Apr.	10	Correctly engrossed	1198
Apr.	17	Final Reading	1309
Apr.	18	Correctly enrolled. President signed	1321
Apr.	18	Presented to Governor	1326
Apr.	30	Approved by Governor	1394

LEGISLATIVE BILL 444 By Syas

Feb.	1	Read first time	304
Feb.	2	Referred to Committee on Agriculture and Environment	312
Feb.	14	Notice of hearing	442
Mar.	27	Indefinitely postponed	966

LEGISLATIVE BILL 445 By F. Lewis

Feb.	1	Read first time	304
Feb.	2	Referred to Committee on Nebraska Retirement Systems	312
Mar.	12	Notice of hearing	761
Mar.	13	Hearing cancelled	772
Mar.	13	Notice of hearing. Reset	783
Apr.	5	Placed on General File	1136
Apr.	11	Motion. Bracketed	1214
Apr.	12	Attorney General Opinion	1259
Apr.	16	Attorney General Opinion	1280
Apr.	16	Motion. Motion lost. Referred for review	1285
Apr.	17	Placed on Select File	1303
Apr.	18	Laid over	1361
Apr.	30	Referred for engrossment	1417
May	2	Correctly engrossed	1444
May	14	Final Reading	1664
May	14	Explanation of vote	1674
May	14	Motion. Motion pending	1677
May	14	Motion withdrawn. Correctly enrolled. President signed	1696
May	15	Presented to Governor	1703
May	23	Approved by Governor	1817

LEGISLATIVE BILL 445A By F. Lewis

May	3	Read first time. Placed on General File	1491
May	4	Referred for review	1504
May	7	Placed on Select File	1538
May	8	Referred for engrossment	1550
May	9	Correctly engrossed	1584
May	14	Final Reading	1663
May	14	Correctly enrolled. President signed	1696
May	15	Presented to Governor	1703
May	23	Approved by Governor	1817

LEGISLATIVE BILL 446 By Cavanaugh

Feb.	1	Read first time	304
Feb.	2	Referred to Committee on Judiciary	312
Feb.	8	Notice of hearing	370
Feb.	23	Placed on General File	563
Mar.	2	Laid over	661
Mar.	16	Referred for review	836
Mar.	20	Placed on Select File	863
Mar.	21	Referred for engrossment	881
Mar.	23	Correctly engrossed	925
Mar.	28	Final Reading	991
Mar.	28	Correctly enrolled. President signed	995
Mar.	29	Presented to Governor	1016
Apr.	2	Approved by Governor	1033

LEGISLATIVE BILL 447 By Luedtke

Feb.	1	Read first time	304
Feb.	2	Referred to Committee on Public Works	312
Feb.	5	Notice of hearing	333
Feb.	20	Attorney General Opinion	488
Mar.	6	Placed on General File	686
Mar.	7	Bracketed. Request	716
Mar.	12	Motion. Motion lost. Referred for review	768
Mar.	14	Placed on Select File	791
Mar.	15	Referred for engrossment	813
Mar.	16	Correctly engrossed	826
Mar.	21	Final Reading	880
Mar.	22	Correctly enrolled. President signed	905
Mar.	23	Presented to Governor	913
Mar.	27	Approved by Governor	965

LEGISLATIVE BILL 448 By Simpson, Barnett, Fowler

Feb.	1	Read first time	305
Feb.	2	Referred to Committee on Urban Affairs	312
Feb.	2	Motion. Motion lost	323
Feb.	5	Notice of hearing	327
Feb.	22	Placed on General File	548
Mar.	16	Motion. Withdrawn	836

LEGISLATIVE BILL 449 By Johnson

Feb.	1	Read first time	305
Feb.	2	Referred to Committee on Public Health and Welfare	312
Feb.	12	Notice of hearing	395
Feb.	19	Hearing cancelled	474
Feb.	19	Notice of hearing. Reset	474
Mar.	20	Placed on General File	871
Apr.	9	Bracketed	1175
Apr.	10	Motion. Motion pending	1193
Apr.	10	Motion renewed. Motion lost	1197
Apr.	10	Referred for review	1199
Apr.	12	Placed on Select File	1224
Apr.	12	Referred for engrossment	1257
Apr.	17	Correctly engrossed	1295
Apr.	19	Attorney General Opinion	1385
May	1	Motion. Replaced on Select File. Referred for re-engrossment	1429
May	2	Correctly re-engrossed	1459
May	7	Final Reading	1522
May	7	Correctly enrolled	1526
May	7	President signed	1535
May	7	Presented to Governor	1542
May	8	Explanation of vote	1551
May	15	Approved by Governor	1708

LEGISLATIVE BILL 449A By Johnson

Mar.	28	Read first time. Placed on General File	995
Apr.	9	Bracketed	1175
Apr.	10	Referred for review	1200
Apr.	12	Placed on Select File	1224
Apr.	12	Referred for engrossment	1257
Apr.	17	Correctly engrossed	1295
May	1	Motion. Replaced on Select File. Indefinitely postponed	1429

LEGISLATIVE BILL 450 By Stahmer

Feb.	1	Read first time	305
Feb.	2	Referred to Committee on Education	312
Feb.	21	Notice of hearing	529
Mar.	2	Request	663
Mar.	20	Indefinitely postponed	869

LEGISLATIVE BILL 451 By Burbach

Feb.	1	Read first time	305
Feb.	2	Referred to Committee on Judiciary	312
Feb.	8	Notice of hearing	370

LEGISLATIVE BILL 452 By Appropriations Committee

Feb.	1	Read first time	305
Feb.	2	Referred to Committee on Appropriations	312
Feb.	20	Notice of hearing	509
Mar.	12	Placed on General File. Bracketed	761
Mar.	14	Co-introducer added. Referred for review	797
Mar.	19	Placed on Select File	846
Mar.	20	Laid over	866
Mar.	21	Laid over	881
Mar.	21	Request. Referred for engrossment	884
Mar.	21	Request	893
Mar.	23	Replaced on Select File	913
Mar.	23	Referred for engrossment. Request	919
Mar.	29	Replaced on Select File	1013
Mar.	29	Referred for engrossment. Motion. Replaced on Select File	1015
Mar.	29	Referred for engrossment. Request	1016
Mar.	29	Correctly engrossed	1030
Apr.	2	Motion. Motion pending	1040
Apr.	2	Renewed motion. Motion lost	1058
Apr.	4	Laid over	1097
Apr.	4	Motion. Replaced on Select File	1099
Apr.	4	Referred for engrossment	1100
Apr.	5	Replaced on Select File	1115
Apr.	9	Referred for engrossment. Bracketed	1157
Apr.	18	Unbracketed. Motion. Replaced on Select File	1366
Apr.	18	Referred for engrossment	1373
Apr.	19	Replaced on Select File	1383
Apr.	30	Referred for engrossment. Request	1419
May	1	Correctly re-engrossed	1435
May	3	Final Reading	1474
May	3	Correctly enrolled. Speaker signed	1487
May	3	Presented to Governor	1489
May	3	Returned by Governor without approval	1491
May	10	Motion. Motion lost	1596

LEGISLATIVE BILL 453 By Warner

Feb.	1	Read first time	306
Feb.	2	Referred to Committee on Urban Affairs	312
Feb.	5	Notice of hearing	331
Feb.	20	Placed on General File	510
Mar.	2	Referred for review	661
Mar.	6	Placed on Select File	685
Mar.	7	Referred for engrossment	710
Mar.	8	Correctly engrossed	733
Mar.	14	Final Reading	795
Mar.	15	Correctly enrolled. President signed. Explanation of vote	806
Mar.	16	Presented to Governor	826
Mar.	20	Returned by Governor without signature	862

LEGISLATIVE BILL 454 By Warner

Feb.	1	Read first time	306
Feb.	2	Referred to Committee on Public Works	312
Feb.	6	Notice of hearing	340
Mar.	6	Placed on General File	688
Mar.	29	Referred for review	1018
Apr.	30	Placed on Select File	1397
May	1	Referred for engrossment	1430
May	2	Replaced on Select File	1451
May	3	Referred for engrossment. Motion. Replaced on Select File	1484
May	3	Referred for engrossment	1485
May	4	Replaced on Select File	1494
May	7	Referred for engrossment	1524
May	8	Correctly engrossed	1556
May	10	Final Reading	1593
May	10	Correctly enrolled. President signed	1597
May	10	Presented to Governor	1610
May	15	Approved by Governor	1708

LEGISLATIVE BILL 455 By Fellman

Feb.	1	Read first time	306
Feb.	2	Referred to Committee on Banking, Commerce and Insurance	312
Feb.	12	Notice of hearing	406
Feb.	16	Hearing cancelled. Notice of hearing. Hearing reset	471
Mar.	16	Placed on General File	834
Apr.	5	Referred for review	1142

Apr.	9	Placed on Select File	1168
Apr.	10	Referred for engrossment	1190
Apr.	12	Correctly engrossed	1259
Apr.	18	Final Reading	1334
Apr.	18	Correctly enrolled. Speaker signed	1342
Apr.	18	Presented to Governor	1354
Apr.	30	Approved by Governor	1394

LEGISLATIVE BILL 456 By Fellman

Feb.	1	Read first time	306
Feb.	2	Referred to Committee on Judiciary	312
Feb.	8	Notice of hearing	370
Mar.	12	Motion. Laid over	759
Mar.	13	Motion renewed. Withdrawn	781

LEGISLATIVE BILL 457 By Kelly

Feb.	1	Read first time	306
Feb.	2	Referred to Committee on Public Works	312
Feb.	5	Notice of hearing	333
Mar.	6	Placed on General File	689
Mar.	23	Referred for review	921
Mar.	28	Placed on Select File	987
Mar.	29	Referred for engrossment	1009
Apr.	2	Correctly engrossed	1033
Apr.	5	Final Reading	1125
Apr.	9	Correctly enrolled. President signed	1156
Apr.	9	Presented to Governor	1174
Apr.	11	Approved by Governor	1215

LEGISLATIVE BILL 458 By Burbach

Feb.	1	Read first time	306
Feb.	2	Referred to Committee on Public Works	312
Feb.	6	Notice of hearing	340
Feb.	15	Placed on General File	456
Mar.	2	Laid over	661
Mar.	5	Laid over	675
Mar.	6	Bracketed	697

LEGISLATIVE BILL 459 By Goodrich

Feb.	1	Read first time	307
Feb.	2	Referred to Committee on Public Health and Welfare	312
Feb.	6	Notice of hearing	345
Feb.	22	Indefinitely postponed	541

LEGISLATIVE BILL 460 By Goodrich

Feb.	1	Read first time	307
Feb.	2	Referred to Committee on Urban Affairs	312
Feb.	5	Notice of hearing	331
Mar.	26	Indefinitely postponed	937

LEGISLATIVE BILL 461 By Kelly

Feb.	1	Read first time	307
Feb.	2	Referred to Public Health and Welfare	312
Feb.	12	Notice of hearing	395
May	2	Indefinitely postponed	1451

LEGISLATIVE BILL 462 By Dickinson

Feb.	1	Read first time	307
Feb.	2	Referred to Committee on Banking, Commerce and Insurance	312
Feb.	8	Notice of hearing	369
Mar.	1	Placed on General File	646
Mar.	27	Referred for review	963
Apr.	3	Placed on Select File	1069
Apr.	4	Referred for engrossment	1098
Apr.	9	Correctly engrossed	1156
Apr.	12	Final Reading	1230
Apr.	12	Correctly enrolled. Speaker signed	1256
Apr.	16	Presented to Governor	1271
Apr.	17	Approved by Governor	1302

LEGISLATIVE BILL 463 By Whitney

Feb.	1	Read first time	307
Feb.	2	Referred to Committee on Public Works	312
Feb.	5	Notice of hearing	333
Mar.	12	Placed on General File	753
Mar.	23	Referred for review	922
Mar.	29	Placed on Select File	1013
Apr.	2	Referred for engrossment	1038
Apr.	3	Correctly engrossed	1073
Apr.	5	Final Reading	1129
Apr.	9	Correctly enrolled. President signed	1156
Apr.	9	Presented to Governor	1174
Apr.	11	Approved by Governor	1215

LEGISLATIVE BILL 464 By DeCamp

Feb. 1	Read first time	307
Feb. 2	Referred to Committee on Agriculture and Environment	312
Feb. 14	Notice of hearing	442
Mar. 12	Indefinitely postponed	752

LEGISLATIVE BILL 465 By DeCamp

Feb. 1	Read first time	308
Feb. 2	Referred to Committee on Agriculture and Environment	312
Feb. 14	Notice of hearing	442
Mar. 27	Indefinitely postponed	966

LEGISLATIVE BILL 466 By Anderson

Feb. 1	Read first time	308
Feb. 2	Referred to Committee on Nebraska Retirement Systems	312
Mar. 1	Notice of hearing	647

LEGISLATIVE BILL 467 By Burbach, Johnson

Feb. 1	Read first time	308
Feb. 2	Referred to Committee on Urban Affairs	312
Feb. 5	Notice of hearing	331
Feb. 13	Notice of hearing. Hearing cancelled. Notice of hearing. Hearing reset	424

LEGISLATIVE BILL 468 By Schmit

Feb. 1	Read first time	308
Feb. 2	Referred to Committee on Nebraska Retirement Systems	312
Feb. 19	Notice of hearing	474
Mar. 6	Indefinitely postponed	699

LEGISLATIVE BILL 469 By Whitney

Feb. 1	Read first time	308
Feb. 2	Referred to Committee on Government, Military and Veteran's Affairs	312
Feb. 14	Notice of hearing	439
Mar. 21	Placed on General File	893

Apr.	10	Referred for review	1202
Apr.	12	Placed on Select File	1226
Apr.	12	Referred for engrossment	1258
Apr.	16	Motion. Replaced on Select File. Motion. Referred for engrossment	1282
Apr.	17	Correctly engrossed	1303
Apr.	30	Final Reading	1403
May	1	Correctly enrolled. Speaker signed	1424
May	1	Presented to Governor	1431
May	4	Approved by Governor	1500

LEGISLATIVE BILL 470 By Interim Study Committee

Feb.	1	Read first time	308
Feb.	2	Referred to Committee on Education	312
Feb.	9	Notice of hearing	392

LEGISLATIVE BILL 471 By Interim Study Committee

Feb.	1	Read first time	308
Feb.	2	Referred to Committee on Government, Military and Veteran's Affairs	312
Feb.	14	Notice of hearing	439
Mar.	29	Placed on General File	1030

LEGISLATIVE BILL 472 By Interim Study Committee

Feb.	1	Read first time	308
Feb.	2	Referred to Committee on Education	312
Feb.	9	Notice of hearing	392
Apr.	19	Placed on General File	1389
May	4	Bracketed	1498
May	8	Request	1562
May	11	Considered	1616
May	11	Referred for review	1639
May	15	Placed on Select File	1704
May	15	Referred for engrossment	1706
May	16	Replaced on Select File	1724
May	16	Referred for engrossment	1727
May	16	Motion. Replaced on Select File. Referred for engrossment. Request	1731
May	17	Replaced on Select File	1751
May	17	Referred for engrossment	1757
May	17	Replaced on Select File	1759
May	17	Referred for engrossment	1774
May	18	Attorney General Opinion	1786
May	18	Correctly engrossed	1811

May	23	Motion. Replaced on Select File. Referred for re-engrossment	1829
May	23	Correctly re-engrossed	1839
May	25	Final Reading	1909
May	25	Explanation of vote	1912
May	25	Correctly enrolled. President signed	1915
May	25	Presented to Governor	1925
June	1	Returned by Governor without approval	1938
June	1	Message from Governor	1946
June	1	Motion. Motion lost	1947
June	1	Motion. Motion lost	1962

LEGISLATIVE BILL 473 By Rasmussen

Feb.	1	Read first time	309
Feb.	2	Referred to Committee on Government, Military and Veteran's Affairs	312
Feb.	14	Notice of hearing	439
Feb.	16	Motion. Laid over	466
Feb.	20	Motion. Withdrawn	503

LEGISLATIVE BILL 474 By DeCamp

Feb.	1	Read first time	309
Feb.	2	Referred to Committee on Judiciary	312
Feb.	8	Notice of hearing	370
Mar.	26	Placed on General File	943
Apr.	12	Referred for review	1241
Apr.	16	Placed on Select File	1289
Apr.	17	Referred for engrossment	1317
Apr.	30	Replaced on Select File	1397
May	1	Referred for engrossment	1430
May	1	Correctly engrossed	1439
May	3	Final Reading	1475
May	3	Correctly enrolled. Speaker signed	1487
May	3	Presented to Governor	1489
May	9	Approved by Governor	1571

LEGISLATIVE BILL 475 By Dickinson

Feb.	1	Read first time	309
Feb.	2	Referred to Committee on Education	312
Feb.	21	Notice of hearing	529
Mar.	20	Placed on General File	871
Apr.	5	Referred for review	1144
Apr.	9	Placed on Select File	1172
Apr.	10	Referred for engrossment	1191

Apr.	16	Correctly engrossed	1270
Apr.	18	Final Reading	1350
Apr.	18	Correctly enrolled. President signed	1374
Apr.	19	Presented to Governor	1377
Apr.	30	Approved by Governor	1394

LEGISLATIVE BILL 476 By Government, Military and Veteran's Affairs Committee

Feb.	2	Read first time	315
Feb.	2	Referred to Committee on Government, Military and Veteran's Affairs	322
Feb.	14	Notice of hearing	439

LEGISLATIVE BILL 477 By Schmit, at req. of Governor

Feb.	2	Read first time	321
Feb.	2	Referred to Committee on Public Health and Welfare	322
Feb.	26	Notice of hearing	580
Mar.	21	Placed on General File	892
Apr.	9	Referred for review	1180
Apr.	11	Placed on Select File	1208
Apr.	12	Referred for engrossment	1235
Apr.	16	Replaced on Select File	1266
Apr.	17	Referred for engrossment	1315
Apr.	18	Correctly engrossed	1342
May	1	Final Reading	1425
May	1	Correctly enrolled. Speaker signed	1433
May	1	Presented to Governor	1435
May	3	Approved by Governor	1483

LEGISLATIVE BILL 478 By Nebraska Retirement Systems Committee

Feb.	9	Read first time	384
Feb.	9	Referred to Committee on Nebraska Retirement Systems	391
Feb.	19	Notice of hearing	475
Mar.	20	Placed on General File	865
Mar.	28	Referred for review	1000
Apr.	4	Referred for engrossment	1098
Apr.	9	Correctly engrossed	1156
Apr.	12	Final Reading	1231
Apr.	12	Correctly enrolled. Speaker signed	1256
Apr.	16	Presented to Governor	1271
Apr.	17	Approved by Governor	1302

LEGISLATIVE BILL 479 By Nebraska Retirement Systems Committee

Feb.	9	Read first time	384
Feb.	9	Referred to Committee on Nebraska Retirement Systems	391
Feb.	19	Notice of hearing	475
Mar.	20	Placed on General File	865
Mar.	28	Referred for review	1000
Apr.	3	Placed on Select File	1070
Apr.	4	Referred for engrossment	1098
Apr.	9	Correctly engrossed	1156
Apr.	12	Final Reading	1232
Apr.	12	Correctly enrolled. Speaker signed	1256
Apr.	16	Presented to Governor	1271
Apr.	17	Approved by Governor	1302

LEGISLATIVE BILL 480 By Nebraska Retirement Systems Committee

Feb.	9	Read first time	384
Feb.	9	Referred to Committee on Nebraska Retirement Systems	391
Feb.	19	Notice of hearing	475
Mar.	20	Placed on General File	865
Mar.	28	Referred for review	1000
Apr.	3	Placed on Select File	1070
Apr.	4	Referred for engrossment	1098
Apr.	9	Replaced on Select File	1165
Apr.	10	Referred for engrossment	1188
Apr.	10	Correctly engrossed	1198
Apr.	17	Final Reading	1309
Apr.	18	Correctly enrolled. President signed	1321
Apr.	18	Presented to Governor	1326
Apr.	30	Approved by Governor	1394

LEGISLATIVE BILL 481 By Labor Committee

Feb.	15	Read first time	453
Feb.	15	Referred to Committee on Labor. Notice of hearing	460
Mar.	29	Placed on General File	1025
Apr.	12	Referred for review	1251
Apr.	16	Placed on Select File	1292
Apr.	17	Laid over	1318
Apr.	18	Referred for engrossment	1361
Apr.	30	Correctly engrossed	1399

May	3	Final Reading	1470
May	3	Correctly enrolled. Speaker signed	1478
May	3	Presented to Governor	1484
May	4	Approved by Governor	1500

LEGISLATIVE BILL 482 By Public Health and Welfare Committee

Feb.	16	Read first time	465
Feb.	16	Referred to Committee on Public Health and Welfare	471
Feb.	19	Notice of hearing	474
Mar.	14	Placed on General File	800
Apr.	4	Referred for review	1112
Apr.	5	Placed on Select File	1141
Apr.	9	Referred for engrossment	1159
Apr.	12	Correctly engrossed	1246
Apr.	18	Final Reading	1335
Apr.	18	Correctly enrolled. Speaker signed	1342
Apr.	18	Presented to Governor	1354
Apr.	30	Approved by Governor	1394

LEGISLATIVE BILL 483 By Public Health and Welfare Committee

Feb.	16	Read first time	466
Feb.	16	Referred to Committee on Public Health and Welfare	471
Feb.	19	Notice of hearing	474
Mar.	2	Placed on General File	660
Mar.	23	Laid over	920
Mar.	27	Referred for review	977
Apr.	3	Placed on Select File	1070
Apr.	4	Referred for engrossment	1098
Apr.	9	Correctly engrossed	1156
Apr.	12	Final Reading	1233
Apr.	12	Correctly enrolled. Speaker signed	1256
Apr.	16	Presented to Governor	1271
Apr.	17	Approved by Governor	1302

LEGISLATIVE BILL 484 By Executive Board

Feb.	16	Read first time	466
Feb.	16	Referred to Committee on Agriculture and Environment	471
Feb.	19	Notice of hearing	484
Mar.	22	Placed on General File	904
May	4	Referred for review	1505
May	7	Placed on Select File	1538

May	8	Referred for engrossment	1550
May	9	Correctly engrossed	1584
May	14	Final Reading	1660
May	14	Correctly enrolled. Speaker signed	1667
May	14	Presented to Governor	1674
May	18	Approved by Governor	1790

LEGISLATIVE BILL 485 By Executive Board

Feb.	19	Read first time	480
Feb.	19	Referred to Committee on Miscellaneous Subjects	483
Feb.	21	Notice of hearing	518
Mar.	26	Placed on General File	952
Apr.	12	Laid over	1251
May	4	Referred for review	1506
May	7	Placed on Select File	1539
May	8	Referred for engrossment	1557
May	9	Replaced on Select File	1568
May	10	Referred for engrossment	1604
May	14	Correctly engrossed	1666
May	17	Laid over	1744
May	18	Motion. Replaced on Select File. Referred for re-engrossment	1813
May	23	Replaced on Select File	1816
May	23	Referred for re-engrossment	1829
May	23	Correctly re-engrossed	1830
May	25	Final Reading	1910
May	25	Explanation of vote	1925
May	25	Correctly enrolled. President signed	1926
May	25	Presented to Governor	1931
June	1	Approved by Governor	1935

LEGISLATIVE BILL 486 By Executive Board

Feb.	19	Read first time	480
Feb.	19	Referred to Committee on Miscellaneous Subjects	483
Feb.	21	Notice of hearing	518
Mar.	26	Placed on General File	936
Apr.	12	Indefinitely postponed	1239

LEGISLATIVE BILL 487 By Banking, Commerce and Insurance Committee

Feb.	19	Read first time	481
Feb.	19	Referred to Committee on Judiciary	483
Feb.	21	Notice of hearing	529

Apr.	9	Placed on General File	1181
Apr.	12	Referred for review	1251
Apr.	16	Placed on Select File	1292
Apr.	17	Referred for engrossment	1318
Apr.	30	Correctly engrossed	1399
May	3	Final Reading	1470
May	3	Correctly enrolled. Speaker signed	1478
May	3	Presented to Governor	1484
May	4	Approved by Governor	1500

LEGISLATIVE BILL 488 By Public Works Committee

Feb.	19	Read first time	481
Feb.	19	Referred to Committee on Public Works	483
Feb.	22	Notice of hearing	543
Mar.	15	Placed on General File	816
Mar.	23	Referred for review	923
Mar.	29	Placed on Select File	1014
Apr.	2	Referred for engrossment	1039
Apr.	4	Correctly engrossed	1100
Apr.	10	Motion. Replaced on Select File	1187
Apr.	10	Referred for re-engrossment	1191
Apr.	11	Correctly re-engrossed	1219
Apr.	17	Final Reading	1314
Apr.	18	Correctly enrolled. President signed	1321
Apr.	18	Presented to Governor	1326
Apr.	30	Approved by Governor	1394

LEGISLATIVE BILL 489 By Public Works Committee

Feb.	20	Read first time	504
Feb.	20	Referred to Committee on Public Works	509
Feb.	22	Notice of hearing	543
Mar.	15	Placed on General File	816
Mar.	23	Referred for review	923
Mar.	29	Placed on Select File	1014
Apr.	2	Referred for engrossment	1039
Apr.	3	Correctly engrossed	1073
Apr.	5	Final Reading	1130
Apr.	9	Correctly enrolled. President signed	1156
Apr.	9	Presented to Governor	1174
Apr.	11	Approved by Governor	1215

LEGISLATIVE BILL 490 By Public Works Committee

Feb.	20	Read first time	504
Feb.	20	Referred to Committee on Public Works	509
Feb.	22	Notice of hearing	543
Mar.	27	Placed on General File	957
Apr.	12	Laid over	1251

LEGISLATIVE BILL 491 By Public Works Committee

Feb. 20	Read first time	504
Feb. 20	Referred to Committee on Public Works	509
Feb. 22	Notice of hearing	543
Mar. 16	Placed on General File	827
Apr. 5	Referred for review	1142
Apr. 9	Placed on Select File	1167
Apr. 10	Referred for engrossment	1189
Apr. 12	Replaced on Select File	1224
Apr. 12	Referred for engrossment	1257
Apr. 17	Correctly engrossed	1295
Apr. 30	Final Reading	1404
May 1	Correctly enrolled. Speaker signed	1424
May 1	Presented to Governor	1431
May 3	Approved by Governor	1483

LEGISLATIVE BILL 492 By Nebraska Retirement Systems Committee

Feb. 20	Read first time	504
Feb. 20	Referred to Committee on Nebraska Retirement Systems	509
Feb. 26	Notice of hearing	567
Mar. 27	Placed on General File	978
Mar. 28	Referred for review	1000
Apr. 3	Placed on Select File	1071
Apr. 4	Referred for engrossment	1099
Apr. 9	Correctly engrossed	1156
Apr. 11	Motion. Replaced on Select File. Referred for re-engrossment	1218
Apr. 12	Correctly re-engrossed	1259
Apr. 18	Final Reading	1335
Apr. 18	Correctly enrolled. Speaker signed	1342
Apr. 18	Presented to Governor	1354
Apr. 30	Approved by Governor	1394

LEGISLATIVE BILL 493 By Public Works Committee

Feb. 21	Read first time	524
Feb. 21	Referred to Committee on Public Works	529
Feb. 22	Notice of hearing	544
Mar. 27	Placed on General File	958
Apr. 12	Referred for review	1241
Apr. 16	Placed on Select File	1290
Apr. 17	Referred for engrossment	1317
Apr. 30	Correctly engrossed	1399
May 3	Final Reading	1471

May	3	Correctly enrolled. Speaker signed	1478
May	3	Presented to Governor	1484
May	9	Approved by Governor	1571

LEGISLATIVE BILL 494 By Miscellaneous Subjects Committee

Feb.	21	Read first time	525
Feb.	21	Referred to Committee on Miscellaneous Subjects	529
Feb.	27	Notice of hearing	602
Mar.	26	Placed on General File	940
Apr.	12	Referred for review	1240
Apr.	16	Placed on Select File	1287
Apr.	17	Referred for engrossment	1317
Apr.	30	Replaced on Select File	1397
May	1	Motion. Motion prevailed. Referred for engrossment	1430
May	2	Correctly engrossed	1459
May	7	Final Reading	1523
May	7	Correctly enrolled	1526
May	7	President signed	1535
May	7	Presented to Governor	1542
May	14	Message from the Governor	1681
May	15	Approved by Governor	1708

LEGISLATIVE BILL 495 By Executive Board

Feb.	21	Read first time	525
Feb.	21	Referred to Committee on Education	529
Mar.	7	Notice of hearing	717

LEGISLATIVE BILL 496 By Agriculture and Environment Committee

Feb.	21	Read first time	525
Feb.	21	Referred to Committee on Agriculture and Environment	529
Feb.	22	Notice of hearing	543
Mar.	6	Placed on General File	686
Mar.	23	Referred for review	921
Mar.	28	Placed on Select File	986
Mar.	29	Bracketed	1009
Apr.	16	Unbracketed	1280
Apr.	16	Referred for engrossment	1282
Apr.	17	Correctly engrossed	1303
May	1	Final Reading	1426
May	1	Correctly enrolled. Speaker signed	1433
May	1	Presented to Governor	1435
May	3	Approved by Governor	1483

LEGISLATIVE BILL 496A By Schmit

Apr.	4	Read first time. Placed on General File	1112
Apr.	5	Referred for review	1141
Apr.	9	Placed on Select File	1166
Apr.	10	Referred for engrossment	1189
Apr.	12	Correctly engrossed	1246
Apr.	17	Motion. Replaced on Select File	1301
Apr.	17	Referred for re-engrossment	1305
Apr.	18	Correctly engrossed	1342
May	1	Final Reading	1427
May	1	Correctly enrolled. Speaker signed	1433
May	1	Presented to Governor	1435
May	3	Approved by Governor	1483

LEGISLATIVE BILL 497 By Agriculture and Environment Committee

Feb.	22	Read first time	543
Feb.	22	Referred to Committee on Agriculture and Environment	546
Feb.	28	Notice of hearing	623
Mar.	22	Placed on General File	904
Apr.	12	Referred for review	1239
Apr.	16	Placed on Select File	1286
Apr.	17	Referred for engrossment	1317
Apr.	30	Replaced on Select File	1397
May	1	Referred for engrossment	1430
May	1	Correctly engrossed	1439
May	3	Final Reading	1476
May	3	Correctly enrolled. Speaker signed	1487
May	3	Presented to Governor	1489
May	9	Approved by Governor	1571

LEGISLATIVE BILL 498 By Nebraska Retirement Systems Committee

Feb.	26	Read first time	575
Feb.	26	Referred to Committee on Nebraska Retirement Systems	586
Mar.	1	Notice of hearing	647
Mar.	20	Placed on General File	869
Apr.	5	Referred for review	1144
Apr.	9	Placed on Select File	1171
Apr.	10	Referred for engrossment	1191
Apr.	12	Correctly engrossed	1246
Apr.	18	Final Reading	1336
Apr.	18	Correctly enrolled. Speaker signed	1342
Apr.	18	Presented to Governor	1354
Apr.	30	Approved by Governor	1394

LEGISLATIVE BILL 499 By Judiciary Committee

Feb. 26	Read first time	581
Feb. 26	Referred to Committee on Judiciary	586
Feb. 28	Notice of hearing	629
Mar. 26	Placed on General File	943
Mar. 27	Bracketed	963
May 4	Unbracketed	1498
May 8	Request	1562
May 10	Bracketed	1610

LEGISLATIVE BILL 500 By Judiciary Committee

Feb. 27	Read first time	616
Feb. 27	Referred to Committee on Judiciary	618
Feb. 28	Notice of hearing	629
Mar. 16	Indefinitely postponed	842

LEGISLATIVE BILL 501 By Judiciary Committee

Feb. 27	Read first time	616
Feb. 27	Referred to Committee on Judiciary	618
Feb. 28	Notice of hearing	629
Mar. 16	Placed on General File	842
Apr. 5	Referred for review	1142
Apr. 9	Placed on Select File	1168
Apr. 10	Referred for engrossment	1190
Apr. 12	Correctly engrossed	1259
Apr. 18	Final Reading	1337
Apr. 18	Correctly enrolled. Speaker signed	1342
Apr. 18	Presented to Governor	1354
Apr. 30	Approved by Governor	1394

LEGISLATIVE BILL 502 By Judiciary Committee

Feb. 27	Read first time	616
Feb. 27	Referred to Committee on Judiciary	618
Feb. 28	Notice of hearing	629
Mar. 26	Placed on General File	947

LEGISLATIVE BILL 503 By Judiciary Committee

Feb 27	Read first time	617
Feb. 27	Referred to Committee on Judiciary	618
Feb. 28	Notice of hearing	629
Mar. 20	Placed on General File	871
Apr. 9	Referred for review	1174

Apr.	11	Placed on Select File	1207
Apr.	12	Referred for engrossment	1234
Apr.	16	Correctly engrossed	1270
Apr.	18	Final Reading	1351
Apr.	18	Correctly enrolled. President signed	1374
Apr.	19	Presented to Governor	1377
Apr.	30	Approved by Governor	1394

LEGISLATIVE BILL 504 By Judiciary Committee

Feb.	27	Read first time	617
Feb.	27	Referred to Committee on Judiciary	618
Feb.	28	Notice of hearing	629
Mar.	16	Placed on General File	842
Apr.	5	Referred for review	1143
Apr.	9	Placed on Select File	1168
Apr.	10	Referred for engrossment	1190
Apr.	12	Replaced on Select File	1255
Apr.	12	Referred for engrossment	1258
Apr.	17	Correctly engrossed	1295
Apr.	30	Final Reading	1405
May	1	Correctly enrolled. Speaker signed	1424
May	1	Presented to Governor	1431
May	3	Approved by Governor	1483

LEGISLATIVE BILL 505 By Proud, at req. of Governor

Feb.	28	Read first time	624
Feb.	28	Referred to Committee on Appropriations	631
Mar.	15	Notice of hearing	816
Apr.	12	Placed on General File	1238
May	3	Message from the Governor	1482
May	14	Referred for review	1677
May	16	Placed on Select File	1726
May	16	Referred for engrossment	1728
May	17	Motion. Replaced on Select File. Referred for engrossment	1764
May	18	Correctly engrossed	1811
May	24	Final Reading	1892
May	24	Correctly enrolled. President signed	1897
May	25	Presented to Governor	1900
June	1	Approved by Governor	1934

LEGISLATIVE BILL 506 By Miscellaneous Subjects Committee

Feb.	28	Read first time	625
Feb.	28	Referred to Committee on Miscellaneous Subjects	631

Mar.	6	Notice of hearing	689
Mar.	26	Placed on General File	940
Apr.	12	Referred for review	1251
Apr.	16	Placed on Select File	1270
Apr.	17	Referred for engrossment	1316
Apr.	30	Correctly engrossed	1399
May	8	Motion. Motion prevailed. Request withdrawn	1547

LEGISLATIVE BILL 506A By Carpenter

Mar.	29	Read first time. Placed on General File	1010
Apr.	12	Referred for review	1251
Apr.	16	Placed on Select File	1270
Apr.	17	Referred for engrossment	1316
Apr.	19	Replaced on Select File	1384
Apr.	30	Referred for engrossment	1419
May	2	Correctly engrossed	1444
May	8	Motion. Motion prevailed. Request withdrawn	1547

LEGISLATIVE BILL 507 By Miscellaneous Subjects Committee

Feb.	28	Read first time	625
Feb.	28	Referred to Committee on Miscellaneous Subjects	631
Mar.	6	Notice of hearing	689

LEGISLATIVE BILL 508 By Miscellaneous Subjects Committee

Feb.	28	Read first time	625
Feb.	28	Referred to Committee on Miscellaneous Subjects	631
Mar.	6	Notice of hearing	689
May	7	Placed on General File	1527

LEGISLATIVE BILL 509 By Miscellaneous Subjects Committee

Feb.	28	Read first time	625
Feb.	28	Referred to Committee on Miscellaneous Subjects	631
Mar.	6	Notice of hearing	689
Mar.	26	Placed on General File	936
Apr.	12	Referred for review	1239
Apr.	16	Placed on Select File	1270
Apr.	17	Referred for engrossment	1316

Apr.	19	Correctly engrossed	1383
May	2	Final Reading	1447
May	2	Correctly enrolled. Speaker signed	1454
May	2	Presented to Governor	1457
May	4	Approved by Governor	1500

LEGISLATIVE BILL 510 By Miscellaneous Subjects Committee

Feb.	28	Read first time	625
Feb.	28	Referred to Committee on Miscellaneous Subjects	631
Mar.	6	Notice of hearing	689
Mar.	26	Placed on General File	940
Apr.	12	Referred for review	1240
Apr.	16	Placed on Select File	1289
Apr.	17	Laid over	1317
Apr.	17	Referred for engrossment	1318
Apr.	18	Motion. Replaced on Select File. Referred for engrossment	1365
Apr.	19	Replaced on Select File	1382
Apr.	30	Referred for engrossment	1417
May	2	Correctly engrossed	1444
May	7	Motion. Motion lost	1523
May	7	Final Reading	1524
May	7	Correctly enrolled	1526
May	7	President signed	1535
May	7	Presented to Governor	1542
May	9	Approved by Governor	1571

LEGISLATIVE BILL 511 By Public Health and Welfare Committee

Feb.	28	Read first time	625
Feb.	28	Referred to Committee on Public Health and Welfare	631
Feb.	28	Notice of hearing	634
Mar.	14	Placed on General File	800
Apr.	5	Referred for review	1142
Apr.	9	Placed on Select File	1167
Apr.	10	Referred for engrossment	1189
Apr.	12	Replaced on Select File	1224
Apr.	12	Referred for engrossment	1257
Apr.	17	Correctly engrossed	1295
Apr.	30	Final Reading	1405
May	1	Correctly enrolled. Speaker signed	1424
May	1	Presented to Governor	1431
May	3	Approved by Governor	1483

LEGISLATIVE BILL 512 By Public Health and Welfare Committee

Feb.	28	Read first time	625
Feb.	28	Referred to Committee on Public Health and Welfare	631
Feb.	28	Notice of hearing	634
Mar.	14	Placed on General File	800
Mar.	23	Referred for review	923
Mar.	29	Placed on Select File	1014
Apr.	2	Referred for engrossment	1039
Apr.	4	Correctly engrossed	1100
Apr.	10	Final Reading	1187
Apr.	10	Correctly enrolled. President signed	1199
Apr.	11	Presented to Governor	1208
Apr.	12	Approved by Governor	1243

LEGISLATIVE BILL 513 By Public Health and Welfare Committee

Mar.	1	Read first time	645
Mar.	1	Referred to Committee on Public Health and Welfare	652
Mar.	6	Notice of hearing	699
Apr.	12	Placed on General File	1254

LEGISLATIVE BILL 514 By Stull, at req. of Acting-Governor

Mar.	1	Read first time	647
Mar.	1	Referred to Committee on Public Works	652
Mar.	6	Notice of hearing	699
Mar.	13	Motion. Laid over	780
Mar.	26	Indefinitely postponed	937

LEGISLATIVE BILL 515 By Public Health and Welfare Committee

Mar.	2	Read first time	658
Mar.	2	Referred to Committee on Public Health and Welfare	665
Mar.	6	Notice of hearing	699
Mar.	21	Placed on General File	890
Apr.	9	Referred for review	1176
Apr.	16	Placed on Select File	1266
Apr.	17	Referred for engrossment	1316
Apr.	18	Replaced on Select File	1342
Apr.	30	Referred for engrossment	1417
May	1	Replaced on Select File	1441
May	2	Referred for engrossment	1454
May	3	Correctly engrossed	1478

May	8	Final Reading	1546
May	8	Correctly enrolled. President signed	1553
May	8	Presented to Governor	1559
May	11	Approved by Governor	1640

LEGISLATIVE BILL 516 By Nebraska Retirement Systems Committee

Mar.	2	Read first time	658
Mar.	2	Referred to Committee on Nebraska Retirement Systems	665
Mar.	8	Notice of hearing	725
Apr.	30	Placed on General File	1400
May	4	Referred for review	1509
May	8	Placed on Select File	1548
May	9	Referred for engrossment	1573
May	14	Correctly engrossed	1667
May	17	Final Reading	1744
May	17	Correctly enrolled. President signed	1760
May	17	Presented to Governor	1775
May	23	Explanation of vote	1830
May	24	Approved by Governor	1863

LEGISLATIVE BILL 517 By Judiciary Committee

Mar.	6	Read first time	695
Mar.	6	Referred to Committee on Judiciary	698
Mar.	6	Notice of hearing	699
Mar.	20	Placed on General File	871
Apr.	9	Referred for review	1174
Apr.	11	Placed on Select File	1207
Apr.	12	Referred for engrossment	1234
Apr.	16	Correctly engrossed	1270
Apr.	18	Final Reading	1351
Apr.	18	Correctly enrolled. President signed	1374
Apr.	19	Presented to Governor	1377
Apr.	30	Approved by Governor	1394

LEGISLATIVE BILL 518 By Judiciary Committee

Mar.	6	Read first time	695
Mar.	6	Referred to Committee on Judiciary	698
Mar.	6	Notice of hearing	699
Mar.	20	Placed on General File	871
Apr.	9	Referred for review	1175
Apr.	11	Placed on Select File	1207
Apr.	12	Referred for engrossment	1234

Apr.	16	Correctly engrossed	1270
Apr.	18	Final Reading	1352
Apr.	18	Correctly enrolled. President signed	1374
Apr.	19	Presented to Governor	1377
Apr.	30	Approved by Governor	1394

LEGISLATIVE BILL 519 By Judiciary Committee

Mar.	6	Read first time	696
Mar.	6	Referred to Committee on Judiciary	698
Mar.	6	Notice of hearing	699
Mar.	20	Placed on General File	871
Apr.	9	Referred for review	1175
Apr.	11	Placed on Select File	1207
Apr.	12	Referred for engrossment	1234
Apr.	16	Correctly engrossed	1270
Apr.	18	Final Reading	1353
Apr.	18	Correctly enrolled. President signed	1374
Apr.	19	Presented to Governor	1377
Apr.	30	Approved by Governor	1394

LEGISLATIVE BILL 520 By Judiciary Committee

Mar.	6	Read first time	696
Mar.	6	Referred to Committee on Judiciary	698
Mar.	6	Notice of hearing	699
May	11	Placed on General File	1654

LEGISLATIVE BILL 521 By Judiciary Committee

Mar.	6	Read first time	696
Mar.	6	Referred to Committee on Judiciary	698
Mar.	6	Notice of hearing	699
Mar.	20	Placed on General File	871
Apr.	9	Referred for review	1175
Apr.	11	Placed on Select File	1208
Apr.	12	Referred for engrossment	1235
Apr.	16	Correctly engrossed	1270
Apr.	18	Final Reading	1353
Apr.	18	Correctly enrolled. President signed	1374
Apr.	19	Presented to Governor	1377
Apr.	30	Approved by Governor	1394

LEGISLATIVE BILL 522 By Public Works Committee

Mar.	7	Read first time	709
Mar.	7	Referred to Committee on Public Works	717

Mar.	8	Notice of hearing	733
Mar.	26	Placed on General File	937
Apr.	12	Referred for review	1239
Apr.	16	Placed on Select File	1270
Apr.	17	Referred for engrossment	1316
Apr.	19	Correctly engrossed	1383
Apr.	30	Motion. Replaced on Select File. Referred for re-engrossment	1409
May	1	Correctly re-engrossed	1424
May	3	Final Reading	1476
May	3	Correctly enrolled. Speaker signed	1487
May	3	Presented to Governor	1489
May	7	Approved by Governor	1512

LEGISLATIVE BILL 523 By Proud at req. of Governor

Mar.	7	Read first time	717
Mar.	12	Placed on General File	751
Mar.	23	Referred for review	924
Mar.	29	Placed on Select file	1015
Apr.	2	Referred for engrossment	1039
Apr.	3	Correctly engrossed	1073
Apr.	5	Final Reading	1130
Apr.	9	Correctly enrolled. President signed	1156
Apr.	9	Presented to Governor	1174
Apr.	11	Approved by Governor	1215

LEGISLATIVE BILL 524 By Cavanaugh at req. of Governor

Mar.	8	Read first time	737
Mar.	12	Referred to Committee on Judiciary	769
Mar.	13	Notice of hearing	783
Apr.	12	Placed on General File	1247
May	4	Attorney General Opinion	1507
May	15	Referred for review	1711
May	18	Placed on Select File	1780
May	18	Referred for engrossment	1788
May	18	Replaced on Select File	1808
May	18	Referred for engrossment	1812
May	23	Replaced on Select File	1816
May	23	Referred for engrossment	1829
May	23	Correctly engrossed	1830
May	25	Final Reading	1911
May	25	Explanation of vote	1925
May	25	Correctly enrolled. President signed	1926
May	25	Presented to Governor	1931
June	1	Approved by Governor	1935

LEGISLATIVE BILL 525 By Public Health and Welfare Committee

Mar.	12	Read first time	759
Mar.	12	Referred to Committee on Public Health and Welfare	769
Mar.	12	Notice of hearing	770
Mar.	20	Placed on General File	872
Apr.	9	Indefinitely postponed	1175

LEGISLATIVE BILL 526 By Burbach at req. of Governor

Mar.	12	Read first time	766
Mar.	12	Referred to Committee on Revenue	769
Mar.	13	Notice of hearing	788
Mar.	28	Placed on General File	994
May	1	Bracketed	1431
May	15	Referred for review	1708
May	17	Placed on Select File	1756
May	23	Considered	1834
May	23	Considered	1836
May	23	Considered	1837
May	23	Referred for engrossment	1838
May	23	Replaced on Select File	1854
May	23	Referred for engrossment	1855
May	24	Correctly engrossed	1859
May	24	Motion. Motion lost	1888
June	1	Final Reading	1958
June	1	Correctly enrolled	1965
June	1	President signed	1966
June	1	Presented to Governor	1968
June	2	Approved by Governor	1971

LEGISLATIVE BILL 527 By Burbach at req. of Governor

Mar.	12	Read first time	767
Mar.	12	Referred to Committee on Revenue	769
Mar.	13	Notice of hearing	788
Mar.	27	Placed on General File	980
Mar.	28	Referred for review	1000
Apr.	3	Placed on Select File	1070
Apr.	4	Referred for engrossment	1099
Apr.	9	Correctly engrossed	1156
Apr.	12	Final Reading	1233
Apr.	12	Correctly enrolled. Speaker signed	1256
Apr.	16	Presented to Governor	1271
Apr.	17	Approved by Governor	1302

LEGISLATIVE BILL 528 By Burbach at req. of Governor

Mar.	12	Read first time	767
Mar.	12	Referred to Committee on Revenue	769
Mar.	13	Notice of hearing	788
Mar.	26	Placed on General File	953
May	1	Bracketed	1431
May	7	Referred for review	1542
May	8	Placed on Select File	1564
May	9	Referred for engrossment	1574
May	14	Correctly engrossed	1667
May	17	Final Reading	1745
May	17	Correctly enrolled. President signed	1760
May	17	Presented to Governor	1775
May	23	Approved by Governor	1817
May	23	Explanation of vote	1830

LEGISLATIVE BILL 529 By Burbach at req. of Governor

Mar.	12	Read first time	767
Mar.	12	Referred to Committee on Revenue	769
Mar.	13	Notice of hearing	788
Apr.	2	Placed on General File	1057
May	1	Bracketed	1431
May	15	Referred for review	1708
May	17	Placed on Select File	1756
May	23	Referred for engrossment	1841
May	23	Motion. Motion lost	1846
May	24	Replaced on Select File	1886
May	24	Referred for engrossment. Correctly engrossed	1888
June	1	Final Reading	1958
June	1	Correctly enrolled. President signed	1965
June	1	Presented to Governor	1968
June	2	Returned by Governor without approval. Certificate	1972

LEGISLATIVE BILL 530 By Burbach at req. of Governor

Mar.	12	Read first time	767
Mar.	12	Referred to Committee on Revenue	769
Mar.	14	Notice of hearing	791
Apr.	18	Placed on General File	1374
May	15	Referred for review	1709
May	17	Placed on Select File	1759
May	17	Laid over	1774
May	23	Referred for engrossment	1852

May	24	Replaced on Select File	1884
May	24	Referred for engrossment	1887
May	24	Correctly engrossed	1888
June	1	Final Reading	1960
June	1	Correctly enrolled	1965
June	1	President signed	1966
June	1	Presented to Governor	1968
June	2	Approved by Governor	1971

LEGISLATIVE BILL 531 By Burbach at req. of Governor

Mar.	12	Read first time	768
Mar.	12	Referred to Committee on Revenue	770
Mar.	13	Notice of hearing	788
Mar.	28	Placed on General File	994
May	1	Bracketed	1431
May	7	Referred for review	1542
May	8	Placed on Select File	1564
May	9	Referred for engrossment	1573
May	10	Replaced on Select File	1597
May	11	Referred for engrossment	1613
May	14	Correctly engrossed	1667
May	17	Final Reading	1746
May	17	Correctly enrolled. President signed	1760
May	17	Presented to Governor	1775
May	23	Approved by Governor	1817
May	23	Explanation of vote	1830

LEGISLATIVE BILL 532 By Education Committee

Mar.	13	Read first time	786
Mar.	13	Placed on General File	787
Apr.	3	Request	1074
Apr.	3	Referred to Committee on Education	1082
Apr.	5	Notice of hearing	1135
Apr.	19	Indefinitely postponed	1389

LEGISLATIVE BILL 533 By Education Committee

Mar.	13	Read first time	786
Mar.	13	Referred to Committee on Education	787
Mar.	13	Notice of hearing	788
Apr.	4	Placed on General File	1113
May	3	Request	1492
May	7	Laid over	1542
May	8	Request	1562
May	15	Request	1700

May	15	Referred for review	1701
May	18	Placed on Select File	1785
May	18	Motion. Referred for engrossment	1789
May	23	Replaced on Select File	1826
May	23	Referred for engrossment. Correctly engrossed	1830
May	23	Attorney General Opinion	1831
May	23	Motion. Replaced on Select File. Referred for re-engrossment	1833
May	23	Replaced on Select File	1839
May	23	Referred for re-engrossment. Correctly re-engrossed	1840
May	25	Final Reading	1915
May	25	Explanation of vote. Correctly enrolled. President signed	1925
May	25	Presented to Governor	1931
June	1	Approved by Governor	1935

LEGISLATIVE BILL 534 By Revenue Committee

Mar.	13	Read first time. Referred to Committee on Revenue	787
Mar.	14	Notice of hearing	791
Apr.	3	Placed on General File	1085
May	1	Bracketed	1431
May	3	Referred for review	1488
May	4	Placed on Select File	1503
May	7	Bracketed	1525
May	9	Attorney General Opinion	1574
May	11	Attorney General Opinion	1629
May	15	Unbracketed. Referred for engrossment	1705
May	16	Replaced on Select File	1724
May	16	Referred for engrossment	1727
May	17	Replaced on Select File	1752
May	17	Referred for engrossment	1757
May	18	Correctly engrossed	1811
May	24	Final Reading	1893
May	24	Correctly enrolled. President signed	1897
May	25	Presented to Governor	1900
June	1	Approved by Governor	1934

LEGISLATIVE BILL 535 By Agriculture and Environment Committee

Mar.	15	Read first time	812
Mar.	15	Placed on General File	820
Apr.	3	Request	1074
Apr.	3	Referred to Committee on Agriculture and Environment	1082

Apr.	4	Notice of hearing	1113
Apr.	16	Placed on General File	1292
May	11	Referred for review	1656
May	11	Placed on Select File	1714
May	15	Referred for engrossment	1716
May	16	Correctly engrossed	1727
May	17	Motion. Replaced on Select File	1760
May	17	Referred for re-engrossment	1761
May	18	Replaced on Select File	1779
May	18	Referred for re-engrossment	1788
May	18	Replaced on Select File	1811
May	18	Referred for re-engrossment	1812
May	23	Correctly re-engrossed	1816
May	25	Final Reading	1916
May	25	Explanation of vote. Correctly enrolled. President signed	1925
May	25	Presented to Governor	1931
June	1	Approved by Governor	1935

LEGISLATIVE BILL 536 By Appropriations Committee

Mar.	15	Read first time	813
Mar.	15	Placed on General File	820
Apr.	3	Request	1074
Apr.	3	Referred to Committee on Appropriations	1082
Apr.	4	Notice of hearing	1103
Apr.	12	Placed on General File	1238
May	23	Referred for review	1828
May	23	Placed on Select File	1839
May	23	Referred for engrossment. Correctly engrossed	1840
May	25	Final Reading	1917
May	25	Explanation of vote. Correctly enrolled. President signed	1925
May	25	Presented to Governor	1931
June	1	Approved by Governor	1935

LEGISLATIVE BILL 537 By Agriculture and Environment Committee

Mar.	16	Read first time	830
Mar.	16	Referred to Committee on Agriculture and Environment. Notice of hearing	841
Mar.	27	Indefinitely postponed	966

LEGISLATIVE BILL 538 By Agriculture and Environment Committee

Mar.	16	Read first time	838
Mar.	16	Referred to Committee on Agriculture and Environment. Notice of hearing	841
Apr.	2	Placed on General File	1033
May	9	Referred for review	1580
May	10	Placed on Select File	1608
May	11	Referred for engrossment	1614
May	14	Correctly engrossed	1690
May	17	Final Reading	1746
May	17	Correctly enrolled. President signed	1760
May	17	Presented to Governor	1775
May	23	Approved by Governor	1817
May	23	Explanation of vote	1830

LEGISLATIVE BILL 539 By Appropriations Committee

Mar.	19	Read first time	856
Mar.	20	Referred to Committee on Public Health and Welfare	863
Mar.	22	Notice of hearing	905
Apr.	9	Indefinitely postponed	1153

LEGISLATIVE BILL 540 By Miscellaneous Subjects Committee

Mar.	19	Read first time	857
Mar.	20	Referred to Committee on Miscellaneous Subjects	863
Mar.	21	Notice of hearing	893
Apr.	9	Placed on General File	1178
Apr.	10	Request	1198
Apr.	10	Referred for review	1201
Apr.	12	Placed on Select File	1224
Apr.	12	Referred for engrossment	1257
Apr.	16	Replaced on Select File	1286
Apr.	17	Referred for engrossment	1317
Apr.	30	Correctly engrossed	1399
May	2	Final Reading	1448
May	2	Correctly enrolled. Speaker signed	1454
May	2	Presented to Governor	1457
May	4	Approved by Governor	1500

LEGISLATIVE BILL 541 By Miscellaneous Subjects Committee

Mar.	19	Read first time	857
Mar.	20	Referred to Committee on Miscellaneous Subjects	863

Mar.	21	Notice of hearing	893
Apr.	9	Placed on General File	1179
Apr.	10	Request	1198
Apr.	10	Referred for review	1201
Apr.	12	Placed on Select File	1225
Apr.	12	Referred for engrossment	1257
Apr.	17	Correctly engrossed	1295
Apr.	30	Final Reading	1406
May	1	Correctly enrolled. Speaker signed	1424
May	1	Presented to Governor	1431
May	3	Approved by Governor	1483

LEGISLATIVE BILL 542 By Labor Committee

Mar.	22	Read first time	905
Mar.	22	Referred to Committee on Labor	910
Mar.	26	Notice of hearing	954
Apr.	19	Placed on General File	1384
May	1	Request	1432
May	3	Message from the Governor	1482
May	9	Referred for review	1581
May	9	Request	1582
May	10	Placed on Select File	1601
May	11	Referred for engrossment	1613
May	14	Correctly engrossed	1666
May	17	Final Reading	1749
May	17	Correctly enrolled. President signed	1760
May	17	Presented to Governor	1775
May	23	Approved by Governor	1817
May	23	Explanation of vote	1830

LEGISLATIVE BILL 543 By Labor Committee

Mar.	22	Read first time	906
Mar.	22	Referred to Committee on Labor	910
Mar.	26	Notice of hearing	954
Apr.	19	Indefinitely postponed	1384

LEGISLATIVE BILL 544 By Appropriations Committee

Mar.	22	Read first time	906
Mar.	22	Referred to Committee on Appropriations	910
Mar.	23	Notice of hearing	925
Apr.	3	Placed on General File	1071
Apr.	12	Referred for review	1241
Apr.	16	Placed on Select File	1290
Apr.	17	Referred for engrossment	1317

May	8	Correctly engrossed	1553
May	10	Final Reading	1594
May	10	Correctly enrolled. President signed	1597
May	10	Presented to Governor	1610
May	16	Motion	1730
May	16	Motion. Replaced on Select File. Referred for re-engrossment	1734
May	17	Correctly re-engrossed	1760
May	24	Final Reading	1876
May	24	Correctly enrolled. President signed	1884
May	24	Presented to Governor	1888
May	24	Explanation of vote	1927
June	1	Approved by Governor	1935

LEGISLATIVE BILL 545 By Cavanaugh, at request of Governor

Mar.	26	Read first time. Placed on General File	939
Apr.	3	Request. Returned to Reference Committee	1074
Apr.	3	Referred to Committee on Miscellaneous Subjects	1082
Apr.	5	Notice of hearing	1145
Apr.	16	Placed on General File	1281
May	3	Request	1484
May	3	Referred for review	1490
May	4	Placed on Select File	1504
May	7	Referred for engrossment	1525
May	8	Correctly engrossed	1553
May	10	Laid over	1594
May	10	Motion. Replaced on Select File	1607
May	10	Referred for re-engrossment	1608
May	11	Replaced on Select File	1624
May	11	Referred for re-engrossment	1634
May	11	Motion. Replaced on Select File. Referred for re-engrossment	1639
May	11	Replaced on Select File	1648
May	11	Referred for re-engrossment	1655
May	15	Motion. Replaced on Select File. Referred for re-engrossment	1705
May	16	Replaced on Select File	1724
May	16	Referred for re-engrossment	1727
May	17	Correctly re-engrossed	1760
May	24	Final Reading	1877
May	24	Correctly enrolled. President signed	1884
May	24	Presented to Governor	1888
May	25	Explanation of vote	1927
June	1	Approved by Governor	1934

LEGISLATIVE BILL 546 By Public Health and Welfare Committee

Mar.	27	Read first time. Placed on General File	959
Apr.	9	Referred for review. Request	1173
Apr.	10	Placed on Select File	1183
Apr.	10	Referred for engrossment	1199
Apr.	10	Replaced on Select File	1198
Apr.	10	Referred for engrossment	1199
Apr.	12	Correctly engrossed	1246
Apr.	18	Final Reading	1338
Apr.	18	Correctly enrolled. Speaker signed	1342
Apr.	18	Presented to Governor	1354
Apr.	30	Approved by Governor	1394

LEGISLATIVE BILL 547 By Miscellaneous Subjects Committee

Mar.	28	Read first time	995
Mar.	28	Referred to Committee on Miscellaneous Subjects	996
Mar.	29	Notice of hearing	1007
Apr.	9	Placed on General File	1164
Apr.	10	Referred for review	1202
Apr.	12	Placed on Select File	1226
Apr.	12	Laid over	1258
Apr.	16	Referred for engrossment	1282
Apr.	17	Replaced on Select File	1303
Apr.	18	Referred for engrossment. Motion. Replaced on Select File	1361
Apr.	18	Referred for engrossment	1362
Apr.	30	Correctly engrossed	1399
May	2	Final Reading	1449
May	2	Correctly enrolled. Speaker signed	1454
May	2	Presented to Governor	1457
May	9	Message from the Governor	1568
May	9	Approved by Governor	1580

LEGISLATIVE BILL 548 By Public Works Committee

Mar.	29	Motion. Placed on General File	1011
Mar.	29	Read first time	1012
Apr.	3	Motion. Motion lost	1083
May	1	Request. Referred for review	1436
May	2	Placed on Select File	1458
May	3	Referred for engrossment	1484

May	4	Correctly engrossed	1504
May	9	Final Reading	1570
May	9	Correctly enrolled. Speaker signed	1576
May	9	Presented to Governor	1587
May	11	Approved by Governor	1640

LEGISLATIVE BILL 549 By Government, Military and Veteran's Affairs Committee

Mar.	29	Read first time	1019
Mar.	29	Placed on General File	1023
Apr.	3	Returned to Reference Committee	1074
Apr.	3	Referred to Committee on Government, Military and Veteran's Affairs	1082
Apr.	4	Notice of hearing	1106
May	8	Placed on General File	1553
May	8	Request	1562
May	9	Laid over	1581
May	9	Laid over	1587
May	11	Referred for review	1643
May	15	Placed on Select File	1714
May	15	Referred for engrossment	1716
May	16	Replaced on Select File	1725
May	16	Referred for engrossment	1728
May	17	Correctly engrossed	1760
May	24	Final Reading	1878
May	24	Correctly enrolled. President signed	1884
May	24	Presented to Governor	1888
May	25	Explanation of vote	1927
June	1	Approved by Governor	1935

LEGISLATIVE BILL 550 By Government, Military and Veteran's Affairs Committee

Mar.	29	Read first time	1019
Mar.	29	Placed on General File	1023
Apr.	3	Returned to Reference Committee	1074
Apr.	3	Referred to Committee on Government, Military and Veteran's Affairs	1082
Apr.	4	Notice of hearing	1106
May	8	Placed on General File	1551
May	8	Request	1562
May	9	Referred for review	1581
May	10	Placed on Select File	1608
May	11	Referred for engrossment	1614
May	14	Replaced on Select File	1665
May	14	Referred for engrossment	1668
May	15	Replaced on Select File	1712

May	15	Referred for engrossment	1715
May	16	Correctly engrossed	1727
May	24	Final Reading	1873
May	24	Correctly enrolled. President signed	1884
May	24	Presented to Governor	1888
May	25	Explanation of vote	1927
June	1	Approved by Governor	1935

LEGISLATIVE BILL 551 By Government, Military and Veteran's Affairs Committee

Mar.	29	Read first time	1019
Mar.	29	Placed on General File	1023
Apr.	3	Returned to Reference Committee	1074
Apr.	3	Referred to Committee on Government, Military and Veteran's Affairs	1082
Apr.	4	Notice of hearing	1106

LEGISLATIVE BILL 552 By Government, Military and Veteran's Affairs Committee

Mar.	29	Read first time	1019
Mar.	29	Placed on General File	1023
Apr.	3	Returned to Reference Committee	1074
Apr.	3	Referred to Committee on Government, Military and Veteran's Affairs	1082
Apr.	4	Notice of hearing	1106
May	8	Placed on General File	1552
May	8	Request	1562
May	9	Referred for review	1581
May	10	Placed on Select File	1609
May	11	Referred for engrossment	1614
May	15	Correctly engrossed	1704
May	24	Final Reading	1866
May	24	Correctly enrolled. President signed	1879
May	24	Presented to Governor	1882
May	25	Explanation of vote	1927
June	1	Approved by Governor	1935

LEGISLATIVE BILL 553 By Government, Military and Veteran's Affairs Committee

Mar.	29	Read first time	1020
Mar.	29	Placed on General File	1023
Apr.	3	Returned to Reference Committee	1074
Apr.	3	Referred to Committee on Government, Military and Veteran's Affairs	1082

Apr.	4	Notice of hearing	1106
May	8	Placed on General File	1552
May	8	Request	1562
May	9	Referred for review	1581
May	10	Placed on Select File	1610
May	11	Referred for engrossment	1614
May	14	Replaced on Select File	1681
May	14	Referred for engrossment	1688
May	15	Correctly engrossed	1704
May	24	Final Reading	1867
May	24	Correctly enrolled. President signed	1879
May	24	Presented to Governor	1882
May	25	Explanation of vote	1927
June	1	Approved by Governor	1935

LEGISLATIVE BILL 554 By Government, Military and Veteran's Affairs Committee

Mar.	29	Read first time	1020
Mar.	29	Placed on General File	1023
Apr.	3	Returned to Reference Committee	1074
Apr.	3	Referred to Committee on Government, Military and Veteran's Affairs	1082
Apr.	4	Notice of hearing	1106
May	8	Placed on General File	1552
May	8	Request	1562
May	9	Referred for review	1581
May	11	Placed on Select File	1624
May	11	Referred for engrossment	1634
May	14	Replaced on Select File	1682
May	14	Referred for engrossment	1688
May	15	Correctly engrossed	1704
May	24	Final Reading	1868
May	24	Correctly enrolled. President signed	1879
May	24	Presented to Governor	1882
May	25	Explanation of vote	1927
June	1	Approved by Governor	1935

LEGISLATIVE BILL 555 By Government, Military and Veteran's Affairs Committee

Mar.	29	Read first time	1020
Mar.	29	Placed on General File	1023
Apr.	3	Returned to Reference Committee	1074
Apr.	3	Referred to Committee on Government, Military and Veteran's Affairs	1082

Apr.	4	Notice of hearing	1106
May	8	Placed on General File	1555
May	8	Request	1562
May	9	Referred for review	1581
May	11	Placed on Select File	1624
May	11	Referred for engrossment	1634
May	15	Correctly engrossed	1704
May	24	Final Reading	1869
May	24	Correctly enrolled. President signed	1879
May	24	Presented to Governor	1882
May	25	Explanation of vote	1927
June	1	Approved by Governor	1935

LEGISLATIVE BILL 556 By Government, Military and Veteran's Affairs Committee

Mar.	29	Read first time	1020
Mar.	29	Placed on General File	1023
Apr.	3	Returned to Reference Committee	1074
Apr.	3	Referred to Committee on Government, Military and Veteran's Affairs	1082
Apr.	4	Notice of hearing	1106
May	8	Placed on General File	1552
May	8	Request	1562
May	9	Referred for review	1581
May	11	Placed on Select File	1624
May	11	Referred for engrossment	1635
May	14	Replaced on Select File	1682
May	14	Referred for engrossment	1688
May	15	Correctly engrossed	1704
May	24	Final Reading	1869
May	24	Correctly enrolled. President signed	1879
May	24	Presented to Governor	1882
May	25	Explanation of vote	1927
June	1	Approved by Governor	1935

LEGISLATIVE BILL 557 By Government, Military and Veteran's Affairs Committee

Mar.	29	Read first time	1021
Mar.	29	Placed on General File	1023
Apr.	3	Returned to Reference Committee	1074
Apr.	3	Referred to Committee on Government, Military and Veteran's Affairs	1082
Apr.	4	Notice of hearing	1106
May	8	Placed on General File	1553
May	8	Request	1562

May	9	Referred for review	1582
May	11	Placed on Select File	1648
May	11	Referred for engrossment	1655
May	14	Motion. Replaced on Select File	1669
May	14	Referred for engrossment	1674
May	16	Replaced on Select File	1723
May	16	Referred for engrossment	1727
May	16	Replaced on Select File	1735
May	16	Referred for engrossment	1736
May	23	Correctly engrossed	1816
May	25	Final Reading	1919
May	25	Explanation of vote	1925
May	25	Correctly enrolled. President signed	1926
May	25	Presented to Governor	1931
June	1	Approved by Governor	1935

LEGISLATIVE BILL 558 By Government, Military and Veteran's Affairs Committee

Mar.	29	Read first time	1021
Mar.	29	Placed on General File	1023
Apr.	3	Returned to Reference Committee	1074
Apr.	3	Referred to Committee on Government, Military and Veteran's Affairs	1082
Apr.	4	Notice of hearing	1106
May	8	Placed on General File	1553
May	8	Request	1562
May	9	Referred for review	1582
May	11	Placed on Select File	1649
May	11	Referred for engrossment	1655
May	14	Replaced on Select File	1682
May	14	Referred for engrossment	1688
May	15	Correctly engrossed	1704
May	24	Final Reading	1870
May	24	Correctly enrolled. President signed	1879
May	24	Presented to Governor	1882
May	25	Explanation of vote	1927
June	1	Approved by Governor	1935

LEGISLATIVE BILL 559 By Government, Military and Veteran's Affairs Committee

Mar.	29	Read first time	1021
Mar.	29	Placed on General File	1023
Apr.	3	Returned to Reference Committee	1074
Apr.	3	Referred to Committee on Government, Military and Veteran's Affairs	1082

Apr.	4	Notice of hearing	1106
May	8	Placed on General File	1553
May	8	Request	1562
May	9	Laid over	1582
May	9	Referred for review	1588
May	11	Placed on Select File	1650
May	11	Referred for engrossment	1656
May	15	Replaced on Select File	1712
May	15	Referred for engrossment	1715
May	16	Correctly engrossed	1727
May	24	Final Reading	1875
May	24	Correctly enrolled. President signed	1884
May	24	Presented to Governor	1888
May	25	Explanation of vote	1927
June	1	Approved by Governor	1935

LEGISLATIVE BILL 560 By Government, Military and Veteran's Affairs Committee

Mar.	29	Read first time	1021
Mar.	29	Placed on General File	1023
Apr.	3	Returned to Reference Committee	1074
Apr.	3	Referred to Committee on Government, Military and Veteran's Affairs	1082
Apr.	4	Notice of hearing	1106
May	8	Placed on General File	1553
May	8	Request	1562
May	9	Referred for review	1582
May	11	Placed on Select File	1649
May	11	Referred for engrossment	1655
May	15	Correctly engrossed	1704
May	24	Final Reading	1871
May	24	Correctly enrolled. President signed	1879
May	24	Presented to Governor	1882
May	25	Explanation of vote	1927
June	1	Approved by Governor	1935

LEGISLATIVE BILL 561 By Government, Military and Veteran's Affairs Committee

Mar.	29	Read first time	1022
Mar.	29	Placed on General File	1023
Apr.	3	Returned to Reference Committee	1074
Apr.	3	Referred to Committee on Government, Military and Veteran's Affairs	1082
Apr.	4	Notice of hearing	1106
May	8	Placed on General File	1553

May	8	Request	1562
May	9	Referred for review	1582
May	11	Placed on Select File	1650
May	11	Referred for engrossment	1655
May	15	Correctly engrossed	1704
May	24	Final Reading	1872
May	24	Correctly enrolled. President signed	1879
May	24	Presented to Governor	1882
May	25	Explanation of vote	1927
June	1	Approved by Governor	1935

LEGISLATIVE BILL 562 By Government, Military and Veteran's Affairs Committee

Mar.	29	Read first time	1022
Mar.	29	Placed on General File	1023
Apr.	3	Returned to Reference Committee	1074
Apr.	3	Referred to Committee on Government, Military and Veteran's Affairs	1082
Apr.	4	Notice of hearing	1106
May	8	Placed on General File	1559
May	8	Request	1562
May	9	Referred for review	1582
May	14	Placed on Select File	1682
May	14	Laid over	1689
May	15	Laid over	1698
May	15	Referred for engrossment	1706
May	17	Replaced on Select File	1752
May	17	Referred for engrossment	1757
May	18	Replaced on Select File	1808
May	18	Referred for engrossment	1812
May	23	Correctly engrossed	1828
May	25	Final Reading	1918
May	25	Explanation of vote	1925
May	25	Correctly enrolled. President signed	1926
May	25	Presented to Governor	1931
June	1	Approved by Governor	1935

LEGISLATIVE BILL 563 By Judiciary Committee

Apr.	2	Read first time	1037
Apr.	2	Referred to Committee on Judiciary	1058
Apr.	2	Notice of hearing	1063
Apr.	11	Placed on General File	1221
May	4	Bracketed	1509
May	10	Bracketed	1592
May	11	Bracketed	1656

May	15	Referred for review	1698
May	17	Placed on Select File	1752
May	17	Referred for engrossment	1757
May	17	Motion. Replaced on Select File. Referred for engrossment	1766
May	23	Replaced on Select File	1826
May	23	Referred for engrossment. Correctly engrossed	1830
May	25	Final Reading	1920
May	25	Explanation of vote	1925
May	25	Correctly enrolled. President signed	1926
May	25	Presented to Governor	1931
June	1	Approved by Governor	1940

LEGISLATIVE BILL 563A By Judiciary Committee

May	8	Read first time. Placed on General File	1551
May	10	Bracketed	1592
May	11	Bracketed	1656
May	15	Referred for review	1698
May	17	Placed on Select File	1755
May	17	Referred for engrossment	1757
May	23	Correctly engrossed	1828
May	25	Final Reading	1921
May	25	Explanation of vote	1925
May	25	Correctly enrolled. President signed	1926
May	25	Presented to Governor	1931
June	1	Approved by Governor	1940

LEGISLATIVE BILL 564 By Constitutional Revision and Recreation Committee

Apr.	2	Read first time	1061
Apr.	2	Referred to Committee on Constitutional Revision and Recreation	1062
Apr.	2	Notice of hearing	1063
May	7	Indefinitely postponed	1519

LEGISLATIVE BILL 565 By Constitutional Revision and Recreation Committee

Apr.	2	Read first time	1061
Apr.	2	Referred to Committee on Constitutional Revision and Recreation	1062
Apr.	2	Notice of hearing	1063
Apr.	16	Placed on General File	1271

LEGISLATIVE BILL 566 By Judiciary Committee at req. of Governor

Apr.	3	Read first time	1072
Apr.	3	Referred to Committee on Judiciary	1077
Apr.	3	Notice of hearing	1082

LEGISLATIVE BILL 567 By Judiciary Committee at req. of Governor

Apr.	3	Read first time	1072
Apr.	3	Referred to Committee on Judiciary	1077
Apr.	3	Notice of hearing	1082
Apr.	18	Placed on General File	1354

LEGISLATIVE BILL 568 By Judiciary Committee at req. of Governor

Apr.	3	Read first time	1072
Apr.	3	Referred to Committee on Judiciary	1077
Apr.	3	Notice of hearing	1082
Apr.	18	Placed on General File	1355

LEGISLATIVE BILL 569 By Judiciary Committee at req. of Governor

Apr.	3	Read first time	1073
Apr.	3	Referred to Committee on Judiciary	1077
Apr.	3	Notice of hearing	1082
Apr.	18	Placed on General File	1356

LEGISLATIVE BILL 570 By Whitney, at request of Governor

Apr.	4	Read first time	1101
Apr.	4	Referred to Committee on Education	1103
Apr.	5	Notice of hearing	1135

LEGISLATIVE BILL 571 By Whitney, at request of Governor

Apr.	4	Read first time	1101
Apr.	4	Referred to Committee on Education	1103
Apr.	5	Notice of hearing	1135
Apr.	19	Indefinitely postponed	1389

LEGISLATIVE BILL 572 By Executive Board

Apr.	4	Read first time	1102
Apr.	4	Placed on General File	1103
Apr.	12	Referred for review	1251
Apr.	16	Placed on Select File	1270
Apr.	17	Referred for engrossment	1316

Apr.	30	Correctly engrossed	1399
May	3	Final Reading	1472
May	3	Correctly enrolled. Speaker signed	1478
May	3	Presented to Governor	1484
May	4	Approved by Governor	1500

LEGISLATIVE BILL 573 By Nebraska Retirement Systems Committee

Apr.	5	Read first time	1134
Apr.	5	Referred to Committee on Nebraska Retirement Systems	1135
Apr.	9	Notice of hearing	1152
Apr.	19	Placed on General File	1377
May	1	Request	1433
May	3	Request	1484
May	3	Referred for review	1490
May	4	Placed on Select File	1504
May	7	Referred for engrossment	1525
May	8	Correctly engrossed	1553
May	10	Final Reading	1594
May	10	Correctly enrolled. President signed	1597
May	10	Presented to Governor	1610
May	15	Approved by Governor	1708

LEGISLATIVE BILL 574 By Fellman, at req. of Governor

Apr.	11	Read first time. Referred to Committee on Judiciary	1216
May	7	Notice of hearing	1540
May	9	Attorney General Opinion	1585

LEGISLATIVE BILL 575 By Savage, at req. of Governor

Apr.	12	Read first time	1246
Apr.	12	Referred to Committee on Judiciary. Notice of hearing	1259
May	18	Indefinitely postponed	1788

LEGISLATIVE BILL 576 By Whitney, at req. of Governor

Apr.	18	Read first time. Referred to Committee on Constitutional Revision and Recreation	1326
Apr.	19	Notice of hearing	1384
May	7	Indefinitely postponed	1519

LEGISLATIVE BILL 577 By Miscellaneous Subjects Committee

Apr.	18	Read first time	1361
Apr.	18	Referred to Committee on Miscellaneous Subjects	1374
Apr.	19	Notice of hearing	1385
May	3	Placed on General File	1488
May	8	Request	1562
May	11	Referred for review	1641
May	15	Placed on Select File	1705
May	15	Referred for engrossment	1708
May	16	Correctly engrossed	1727
May	24	Final Reading	1874
May	24	Explanation of vote	1879
May	24	Correctly enrolled. President signed	1884
May	24	Presented to Governor	1888
May	25	Explanation of vote	1927
June	1	Approved by Governor	1935

LEGISLATIVE BILL 578 By Kennedy, at req. of Governor

Apr.	19	Read first time. Referred to Committee on Appropriations	1385
Apr.	30	Notice of hearing	1420

LEGISLATIVE BILL 579 By Fellman, at req. of Governor

Apr.	30	Read first time	1415
Apr.	30	Referred to Committee on Appropriations. Notice of hearing	1420
May	4	Placed on General File	1506
May	14	Referred for review	1674
May	16	Placed on Select File	1725
May	16	Referred for engrossment	1728
May	17	Correctly engrossed	1760
May	24	Explanation of vote	1879
May	24	Final Reading	1881
May	24	Correctly enrolled. President signed	1884
May	24	Presented to Governor	1888
May	25	Explanation of vote	1927
June	1	Approved by Governor	1934

LEGISLATIVE BILL 580 By Duis

May	2	Read first time. Placed on General File. Bracketed	1454
May	3	Request	1484

May 3	Referred for review	1488
May 4	Placed on Select File	1503
May 7	Referred for engrossment	1524
May 8	Correctly engrossed	1553
May 10	Final Reading	1595
May 10	Correctly enrolled. President signed	1597
May 10	Presented to Governor	1610
May 15	Approved by Governor	1708

LEGISLATIVE BILL 581 By Proud, at req. of Governor

May 3	Message from the Governor	1482
May 3	Read first time	1487
May 3	Referred to Committee on Appropriations	1489
May 3	Notice of hearing	1491
May 9	Placed on General File	1586
May 14	Referred for review	1674
May 16	Placed on Select File	1725
May 16	Laid over	1728
May 18	Referred for engrossment	1792
May 23	Replaced on Select File	1826
May 23	Referred for engrossment. Correctly engrossed	1830
May 25	Final Reading	1922
May 25	Correctly enrolled. President signed	1926
May 25	Presented to Governor	1931
June 1	Approved by Governor	1935

LEGISLATIVE BILL 582 By Proud, at req. of Governor

May 3	Message from the Governor	1482
May 3	Read first time	1487
May 3	Referred to Committee on Appropriations	1489
May 3	Notice of hearing	1491
May 9	Placed on General File	1587
May 14	Referred for review	1678
May 16	Placed on Select File	1726
May 16	Laid over	1728
May 17	Considered	1767
May 17	Considered	1768
May 17	Laid over	1772
May 18	Message from the Governor	1791
May 18	Considered	1794
May 18	Referred for review	1799
May 23	Replaced on Select File	1827
May 23	Referred for engrossment. Correctly engrossed	1830

May	25	Final Reading	1923
May	25	Correctly enrolled. President signed	1926
May	25	Presented to Governor	1931
June	1	Approved by Governor	1935

LEGISLATIVE BILL 583 By Proud, at req. of Governor

May	3	Message from the Governor	1482
May	3	Read first time	1488
May	3	Referred to Committee on Appropriations	1489
May	3	Notice of hearing	1491
May	9	Placed on General File	1587
May	14	Referred for review	1676
May	16	Placed on Select File	1726
May	16	Referred for engrossment	1728
May	16	Motion. Replaced on Select File. Referred for engrossment	1731
May	18	Correctly engrossed	1811
May	25	Final Reading	1924
May	25	Correctly enrolled. President signed	1926
May	25	Presented to Governor	1931
June	1	Approved by Governor	1935

LEGISLATIVE BILL 583A By Marvel

May	14	Read first time. Placed on General File	1690
May	25	Indefinitely postponed	1900

LEGISLATIVE BILL 584 By Government, Military and Veteran's Affairs Committee

May	3	Read first time	1488
May	3	Referred to Committee on Government, Military and Veteran's Affairs	1489
May	8	Notice of hearing	1551
May	17	Placed on General File	1775

LEGISLATIVE BILL 585 By Barnett

May	7	Read first time	1542
May	8	Placed on General File	1544
May	9	Co-introducer added. Referred for Review. Request	1579
May	10	Co-introducers added	1601
May	10	Placed on Select File	1602
May	11	Referred for engrossment	1614

May 11	Replaced on Select File	1647
May 11	Referred for engrossment	1655
May 14	Correctly engrossed	1690
May 17	Final Reading	1748
May 17	Correctly enrolled. President signed	1760
May 17	Presented to Governor	1775
May 23	Approved by Governor	1817

LEGISLATIVE BILL 586 By Miscellaneous Subjects Committee

May 8	Read first time. Motion. Placed on General File	1561
May 15	Referred for review	1710
May 17	Placed on Select File	1759
May 17	Referred for engrossment	1774
May 18	Correctly engrossed	1811
May 24	Final Reading	1894
May 24	Correctly enrolled. President signed	1897
May 25	Presented to Governor	1900
June 1	Approved by Governor	1935

LEGISLATIVE BILL 587 By Miscellaneous Subjects Committee

May 9	Read first time	1578
May 9	Motion. Placed on General File	1579
May 14	Considered	1677
May 15	Referred for review	1708
May 17	Placed on Select File	1755
May 17	Referred for engrossment	1758
May 18	Correctly engrossed	1811
May 23	Attorney General Opinion	1822
May 24	Motion. Replaced on Select File	1879
May 24	Referred for re-engrossment	1881
May 24	Replaced on Select File	1887
May 24	Referred for re-engrossment. Correctly re-engrossed	1888
June 1	Final Reading	1961
June 1	Correctly enrolled	1965
June 1	President signed	1966
June 1	Presented to Governor	1968
June 2	Approved by Governor	1971

LEGISLATIVE BILL 588 By Nebraska Retirement Systems Committee

May	9	Read first time	1578
May	9	Motion. Placed on General File	1579
May	9	Referred for review	1580
May	10	Placed on Select File	1608
May	11	Referred for engrossment	1614
May	14	Correctly engrossed	1666
May	17	Final Reading	1747
May	17	Correctly enrolled. President signed	1760
May	17	Presented to Governor	1775
May	23	Approved by Governor	1817

LEGISLATIVE BILL 589 By Proud

May	15	Read first time. Placed on General File. Referred for review	1709
May	17	Placed on Select File	1759
May	17	Referred for engrossment	1774
May	18	Correctly engrossed	1811
May	24	Final Reading	1894
May	24	Correctly enrolled. President signed	1897
May	25	Presented to Governor	1900
June	1	Approved by Governor	1935

LEGISLATIVE BILLS

By Original Introducers*

GARY L. ANDERSON

74 Provide salary increases for county officers.
75 Harmonize township organization provisions with the Nebraska Budget Act.
356 Provide for licensing of taxidermists.
399 Provide conditions for emancipated minor and student to be considered domiciled in this state.
400 Remove certain territory from a brand inspection area.
401 Require the owner to list his livestock for tax assessment.
402 Provide for contracts with educational service units to perform the duties of county superintendents.
426 Make General Fund payment of $1,000 to any six year volunteer in the militia.
466 Harmonize provisions of State Employees Retirement Fund including status under premature retirement for disability.
585 with others.

WALLY BARNETT, JR.

64 Reduce the maximum speed limit.
65 Provide for year-around operation of public schools.
66 Furnish accident reports to the director of Motor Vehicles.
67 Allow use of certain tissues in the absence of an anatomical gift.
100 Repeal hearing requirement of employees of the Department of Public Institutions.
144 Restate the purpose and change expenditures of the Grade Crossing Protection Fund.
262 Revise definition of public employer to exclude the State under the Unjust Discrimination in Employment Act.
294 Require rent payments in lieu of taxes by private enterprise to political subdivisions.
437 Require showing of financial responsibility before permitting motor vehicle registration.
585 Financial assistance appropriation to family of slain Trooper George Amos, Jr.

J. W. BURBACH

17 Define standard weights and measures.
17A Appropriation bill.
37 Increase membership on the Commission on Indian Affairs.
37A Appropriation bill.

335 Delete obsolete references to soil and water conservation districts.
337 Correct internal reference provision for appointment to the Nebraska Natural Resources Commission.
410 To amend the state weights and measures law of 1972.
451 Revise criminal obsenity law.
458 Authorize public power and irrigation districts to establish rapid transportation systems for tangibles and passengers.
467 To adopt the Metropolitan Transportation Authorities Act.
526 Clarify provisions relating to income tax credits for resident estates and trusts, partnerships, and corporations.
527 Requires oil and gas producers to file assessment reports for payment of charges.
528 Clarify security requirements relating to motor vehicle fuel taxation.
529 Clarify provisions relating to sales and use taxes.
530 Establishes an alternative tax reappraisal method for county-wide properties.
531 Taxes incomes of beneficiaries of estates or trusts and of partners.
344 with others.

TERRY CARPENTER

26 Create the office of district attorney for each judicial district and provide for their representation.
27 Eliminate the powers of the governor over executive and administrative departments.
39 Increase original license fees paid by new lending institutions to Department of Banking.
111 Distinguish between on and off sale retailer's liquor licenses.
111A Appropriation bill.
160 Provide maintanence of roads in unincorporated communities.
164 Adopt the One Bank Holding Company Act of 1973.
165 Revise provisions relating to industrial loan and investment companies.
166 Revise provisions relating to credit unions.
167 Regulate issuer-dealers of securities.
179 Board of Regents to acquire and accept properties belonging to Hiram Scott College and John J. Pershing College.
311A Appropriation bill.
506A Appropriation bill.

CALVIN F. CARSTEN

22 Define airport authorities power to act in relation to an election of authority members.
23 Allocation of county funds to historical societies.
24 Clarify provisions which exempt city officers and members from conflict of interest contracts up to $10,000 dollars.

25 Provide alternative penalties to violation of liquor laws and prescribed duty for county sheriff.
47 Authorize additional investments for public power and irrigation districts.
183 Prescribe conditions for giving notice of public meetings.
277 Provide increased care and maintenance of abandoned cemeteries.
278 Designate the educational service unit for a local joint school district.
382 Exempt purchases by any Rural Water District from sales and use taxes.

FRED W. CARSTENS

15 Increase homestead value exempt from attachment.
16 Increase amount of personal property exempt from attachment.
21 Provide for discretionary sale of school lands.
107 Require public accountants to audit the books of wheat development districts.
108 Exempt natural resource districts from paying a motor vehicle registration fee.
109 Appropriation from revenue sharing funds.
110 Provide for selection of new members of judicial nominating commission.
110A Appropriation bill.
153 No fault automobile insurance.
170 Provide for implementation of flood controls by natural resource districts.

JOHN J. CAVANAUGH III

150 Provide for entitlement to workmen's compensation benefits.
151 Revise generally the credit union provisions.
198 Revise voter reregistration requirements.
209 Prohibit employment discrimination because of age or blindness.
245 Permit sanitary and improvement districts to install public waterways, docks or wharfs.
260 Revise employment regulations relating to employees lunch hour requirements.
285 Delete requirement that County Public Health meetings be held before the tenth day of the month.
334 Formulate a Law Enforcement Officers Bill of Rights for their protection.
436 Provide for foreign consent authorization and adoption procedures.
446 Provide for selection of presiding judges in juvenile courts.
524 Increase membership of the Board of Parole.
545 Adopt the State Classification and Pay Plan.
585 with others.

ERNEST CHAMBERS

12 Elect city councilmen by districts in metropolitan class cities.
146 Abolish the death penalty.
184 Remove exemption of domestic servants from workmen's compensation coverage.
185 Provide State Financial Assistance to children of low income families.
217 Elect by district members of the Board of Education of class V school districts.
218 Provide when teachers and administrators of class V school districts may endorse candidates for public office.
219 Define "convened meeting" relating to public meetings.
315 Prohibit a law officer from having an interest in an establishment which has a liquor license.
343 Increase minimum wage to employees.
370 Permit elementary and secondary teachers to have access to their personnel files.
585 with others.

ROBERT L. CLARK

36 Dedicate roads under jurisdiction of the Board of Educational Lands and Funds to the county.
78 Adopt the Gas Utility Act.
113 Retire bonded indebtedness for technical community college areas.
229 Provide school bus transportation for individuals age 60 or older.
342 Increase minimum and maximum workmen's compensation benefits.
397 Provide exception for issuing motor fuel dealers bonds.

JOHN W. DECAMP

286 Revise criminal abortion law.
287 Increase State Aid to Public Elementary and High Schools.
288 Establish a state wide lottery run by the State.
289 Constitutional amendment creating a Citizens Salary Control Committee to set legislative salaries.
290 Suspend driver's license for 30 days for drunken driving.
328 Constitutional amendment to permit off-track betting through established accounts.
329 Adopt a comprehensive criminal code.
464 To place requirements and restrictions on corporations engaged in farming.
465 To adopt the Nebraska Land Use Act.
474 Provide procedure for replevin of personal property.
585 with others.

JAMES A. DICKINSON

304 Declare the showing of pornographic films as a public nuisance.

362 Exempt college or univeristy students from paying mandatory student activity fee or charge.
462 Require a 60 day waiting period before re-examination after failing two insurance agent examinations.
475 Allow a school district to indemnify employees the costs of defending themselves from legal actions.
585 with others.

HERBERT J. DUIS

51 Provide for payment of total loss insurance claims.
56 Restrict use of loans made by a development corporation under the Nebraska Development Corporation Act.
68 Adopt the Nebraska Real Estate License Act.
68A Appropriation bill.
86 Provide for licensing of real estate appraisers.
189 Grant additional authority to public power and public power and irrigation districts.
279 Revise method of evaluation of motor vehicle fuel and special fuel for personal property tax.
309 Revise standards of valuation according to the Commissioner's Reserve Valuation Method.
336 Exclude the Department of Education from payment of costs for care and education of handicapped children.
336A Appropriation bill.
368 Delete provision requiring trailer brakes on vehicles towed by a ball hitch.
580 Corrects internal reference in 1973 Nebraska Real Estate License Act.
585 with others.

WALTER H. EPKE

133 Repeal bond requirement on livestock market licenses.
182 Provide for the eradication of brucellosis in swine.
182A Appropriation bill.
443 Include a motorcycle dealer in the membership of the Nebraska Motor Vehicle Industry Licensing Board.
398 with others.

RICHARD M. FELLMAN

208 Prevent employment discrimination to the blind or physically disabled.
234 Revise definition of title insurance.
310 Limit allowable expenditures by candidates seeking election to public office.
332 Permit special registration of historic or special interest motor vehicles.
333 Increase the maximum weekly benefit amount allowed individuals under the Employment Security Law.

350 Enact the Manhole Safety Act.
379 Provide a supplemental salary to certain chief audit probation officers.
383 Permit leasing companies to register their motor vehicles when outstanding arrest warrants exist against them.
455 Extend the principal time for installment sales to 181 months.
456 Clarify law on use of depositions at trial.
547 Provides penalties for certain offenses against law enforcement officers.
579 Reappropriations for construction and repair of state buildings from the State Capital Construction Fund.
585 with others.

STEVE FOWLER

264 Require school boards to expend money to qualify adult immigrant students for high school diplomas.
265 Redefine employer and provide a time for notice of charge for fair employment practices.
371 Provide investigation of governmental subdivisions by the Equal Opportunity Commission.
372 Permit pregnant women to receive unemployment compensation benefits.
373 Require municipalities to condemn property unsafe or unfit for human occupancy.
417 Change requirement for reporting damage in an accident from $100 to $250.
418 Change requirements relating to the sale of prophylactic devices.
419 Sets refund values on non-reusable and reusable beverage containers.
585 with others.

GLENN GOODRICH

71 Grant cities of metropolitan class concurrent and joint jurisdiction with counties.
72 Constitutional amendment providing taxation relief to rehabilitated lands.
73 Adopt the land reutilization act.
236 Exempt employees of the Public Service Commission in the Technical Community Colleges from the State Personnel System.
247 Provide exception for investment of school funds for class IV and V school districts.
248 Pay expenses for recruitment of the State Technical Community College Director and other personnel.
252 Increase land acreage that may be taken for a school site.
305 Prohibit financial institutions from transacting insurance business.
459 Establish the State Advisory Council for Comprehensive Health Planning.
460 Raises minimum salaries for police, firemen, sheriffs and deputies.
585 with others.

WILLIAM HASEBROOCK

89 Permit removal of dead bodies where death was obviously accidental.
99 Remove the exemption of firemen serving on juries.
142 Include cost of non-filing insurance in personal bank loan charges.
143 Revise limit on aggregate amounts of the rediscounts and bills payable of banks.
230 Authorize natural resource districts to issue general obligation bonds.
240 Establish method of approving light equipment and safety glass by the Department of Motor Vehicles.
389 Constitutional amendment removing the Lieutenant Governor as presiding officer of the Legislature.
206, 585 with others.

E. THOME JOHNSON

175 Increase inspection fees paid by milk plants to the Director of Agriculture.
180 Provide procedures for enforcement of orders from the State Fire Marshal.
355 Make discretionary the requirement that Class VI school districts have an elementary school coordinator.
422 Provide procedures to terminate or amend teacher contracts.
424 Change motor vehicle registration time annually from the date of original registration.
449 Provide for mandatory fluoridation of city water supplies.
449A Appropriation bill.
230, 585 with others.

RALPH D. KELLY

276 Delete acreage restrictions for cemetery land acquisition in cities of the first class.
317 Require probation judgements to be entered in the court docket.
341 Eliminate requirement for registration of air craft with the Department of Aeronautics.
345 Provide power to first class cities to create public transportation authorities.
381 Require airport authorities to acquire liquor licenses.
457 Eliminate property insurance or bond coverage requirement on motor vehicle inspection stations.
461 Permit county boards of mental health to commit mental patients to the Mid Nebraska Community Mental Health Center.
585 with others.

THOMAS C. KENNEDY

52 Change manner of accreditation for podiatry schools.
206 Provide for bonding to treasurers of natural resource districts.

223 Permit direct appeal from the Workmen's Compensation Court to the Supreme Court.
346 Clarify language within the Midwest Nuclear Compact.
347 Change qualification requirements for sanitarians.
578 Transfers thirty million dollars from Revenue Sharing Trust Fund to state General Fund.
585 with others.

ORVAL A. KEYES

28 Change state aid to public schools.
35 Require state departments to file with the Labor Commissioner as new employers for employment security purposes.
91 Levy sales tax on commissions charged on sales or securities and commodities.
176 Grant free special license plates for paraplegics.
196 Provide footpaths and bicycle trails along roads.
298 Define commercial feed lot under the Environmental Protection Act.
340 Provide for sick leave to state officers and employees.
585 with others.

OTHO G. KIME

201 Appoint special investigators under the Department of Agriculture.
201A Appropriation bill.
231 Authorize the inspection of the work of state licensed electricians.
301 Clarify definition of ownership under the Nebraska brand laws.
421 Establish a wildlife preserve within Spring Valley Park and Vic Thompsen's Centennial Memorial Forrest.

MAURICE A. KREMER

149 Board of Regents to elect certain officials; define the Nebraska Agricultural Center.
163 Authorize Game and Parks Commission to convey real estate to certain cities and counties.
186 Revise irrigation regulations and increase the duties of the director of water resources.
187 Establish a uniform procedure for acquiring private proeprty for public purposes. private property for public purposes. Fund.
190 Revise regulations concerning the composition of state boards of technical community colleges.
221 Department of Public Welfare to establish rules and standards governing licensing of custodial facilities.
222 Authorize the director of public welfare to audit costs of nursing homes.
308 Assessing all land owners receiving benefits form reclamation districts.
585 with others.

FRANK LEWIS

171 Repeal prorating priority method of funding for the School Foundation and Equalization Fund.
172 Appropriate $55,000,000 to the School Foundation and Equalization Fund.
211 Include blindness or other physical disability under the Nebraska Fair Employment Practices Act.
320 Revise standards for elevator inspections by Commissioner of Labor.
321 Revise conditions for compensation of members of the Professional Practices Commission on schools.
321A Appropriation bill.
322 Broaden provisions for public disclosure of Conflicts of Interest by public officials.
363 Provide conditions for perfection of security interests under the U. C. C.
388 Broaden retirement conditions relating to the school retirement system.
440 Provide that insurance coverage of school employees may be collectively or individually provided.
445 Increases state service annuity for retired school employees.
445A Appropriation bill.
545, 585 with others.

RICHARD LEWIS

38 Require record entries before delivery of warrants against the county.
145 Make sales of school lands permissive rather than mandatory.
154 Provide a retirement income credit against the individual income tax.
284 Change laws for posting signs for hunting game and fish.
364 Revise nominating and election procedures for directors of public power districts.
416 To pay costs of mentally retarded children no longer under institutional care.
425 Set guidelines for acceptable activities to be carried on by domestic insurers.
585 with others.

ROLAND A. LUEDTKE

155 Prohibit discrimination in liquor sales or prices to wholesalers.
156 Appropriation from Lincoln Field House Fund for annual payment on lease.
157 Revise and update requirements relating to corporations.
158 Classify certificates of indebtedness for industrial loan and investment companies.
191 Pay expenses of state employees when called as a witness in municipal courts.

192 Clarify language concerning the transcript in Nebraska Workmen's Compensation Court.
228A Appropriation bill.
338 Increase mileage allowances for county officers or their assistants.
339 Provide personal liability insurance to board members of any political subdivision. board members of any political subdivision.
351 Harmonize privileges of the State Charter Building and Loan Associations with Federally Chartered Associations.
447 Create a new State Office Building Commission to exempt supervision By the Governor.
585 with others

EUGENE T. MAHONEY

585 with others

RICHARD MARESH

53 Require a fee on non-returnable beverage containers.
54 Exempt from fee payment all vehicles owned by non-profit organizations which transport senior citizens and handicapped.
136 Designate a governing body of a city or village to establish a pension plan.
173 Require immunization of school children under the age of 12.
239 Provide workmen's compensation benefits to volunteer ambulance units.
269 Provide thirty-day suspension of driver's license for certain speeding violations.
398 Designate second class city access roads of the interstate system as part of the state highway system.
415 Expand definition of farm trucks to include the attachment of camper units.

SHIRLEY MARSH

29 Include veteran information on death certificates and burial and transit permits.
112 Define unlawful discriminatory practices for the Equal Opportunity Commission.
112A Appropriation bill.
115 Requirements for admission to the College of Chiropractic.
207 Provide for reporting and servicing abuse cases and establish legal immunities.
224 Change the manner of the annual report of the State Board of Agriculture as distributive.
241 Additional penalties against any register of deeds who improperly record any plat or subdivision.

306 Require Educational Television Commission to provice for a library of historical figures.
306A Appropriation bill.
307 Permit tuition free education to children of prisoners of war or missing in action.
394 Harmonize marriage provisions between husband and wife.
433 Redefine dependent child under welfare law to include an unborn child.

RICHARD D. MARVEL

46 Permit a refund without filing claim for any tax assessment or penalty held illegal.
63 Provide for fiscal appropriations at each annual legislative session.
283 Provide sales tax exemption for non-profit cemeteries or mausoleum associations.
323 Constitutional amendment establishing student membership on the Board of Regents of the University of Nebraska.
376 Enact the Nebraska Comprehensive Community Mental Health Services Act.
385 Limit duration of contracts by the state or any department or agency thereof.
431 Change procedure for charging for telecommunicating and create a cash fund.
583A Appropriation bill.
585 with others.

HAROLD T. MOYLAN

30 Provide cost of maintenance and treatment of sexual-sociopaths.
31 Provide powers and duties of the county board.
32 Authorize blind to operate vending services on county, city and municipally owned property.
97 Clarify annexation provisions as to cities of the metropolitan class.
159 Redefine dependent child.
369 Authorize revocation of pre-trial release for persons charged with a felony.
585 with others.

JOHN R. MURPHY

390 Revise notice of cancellation provisions on automobile liability insurance.
441 Adopt the One Bank Holding Company Act.
585 with others.

HERB NORE

49 Exempt motor vehicles used for library purposes from registration.
95 Budget hearing attendence by county board members.
384 Broaden definition of farm-trailer for motor vehicle registration.
412 Provide for meetings and notice thereof of Class VI school districts.
413 Dispense with annual meetings for Class VI school districts.
429 Eliminates fixed date for annual meetings of school districts.
430 Change annual meeting provisions for first class school districts.
435 Change method for nomination and election of school board members in Class III school districts.
585 with others.

RICHARD F. PROUD

11 Construction contracts by public power districts.
105 Appropriation to the Eastern Nebraska Technical Community College area.
256 Appropriation for Capital construction.
257 Appropriation for salaries of state officers and courts.
258 Appropriation for salaries of members of the Nebraska State Legislature.
259 General appropriation recommendations.
344 Requires notice to non-residents of certain actions of special taxing districts.
505 Appropriation to Department of Environmental Control For State's share in the Federal Water Pollution Control Act.
523 Deficiency appropriation from General Fund to accomodate claims for homestead exemptions.
581 Supplemental appropriations bill for fiscal year 1972-73.
582 Amends LB 259 general appropriation recommendations.
583 Allows fees and cash fund options to the Department of Health.
589 Set the age qualification for dental hygiene practice at eighteen.

DENNIS L. RASMUSSEN

33 Provide care of widows and mothers of veterans.
34 Restores May 30 as Memorial Day and November 11 as Veterans Day.
242 Constitutional amendment reducing redemption time from real estate sales for non-payment of taxes or special assessments.
268 Redefine first degree murder and establish procedure for determination of the death penalty.
378 Create the Department of Agriculture Publications Revolving Fund.
378A Appropriation bill.
395 Redefine inspection duties of superintendents in private and parochial schools.
442 Require certain safety devices on building elevators.

473 Require State to pay transportation costs of parents or guardians to visit residents of Beatrice State Home.
585 with others.

BLAIR K. RICHENDIFER

138 Revise provisions for hunting and fishing permits for disabled veterans.
169 Allow employees reasonable attorney fees on rehearing before the Nebraska Workmen's Compensation Court.
213 Provide length of time for revocation of drivers license for habitual traffic offenders.
233 Require state to reimburse counties of less than 200,000 inhabitants for the boarding of all prisoners.
316 Require Public Service Commission to publish legal notices of all hearings scheduled before it.
319 Increase fee for certified abstract of a person's motor vehicle operating record.
319A Appropriation bill.
585 with others.

JOHN S. SAVAGE

102 Provide care and education to multi-handicapped children at State expense.
102A Appropriation bill.
103 Increase the number of members on the Board of Plumbers.
181 Require insurance companies to establish segregated accounts for each kind of insurance offered.
251 Authorize educational service units to acquire equipment.
380 Adopt the Free Flow of Information Act.
405 Provide from which fund and under what conditions surplus notes of insurance companies may be paid.
406 Authorize investments in insurance companies insuring the accounts of building and loan associations.
407 Repeal provision on first issuance of teacher's certificates.
408 Provide duties for treasurers of Class III school districts that lie within Omaha.
409 Create a statute of limitations for civil actions arising from construction projects.
575 Qualifies the privilege and restates findings relating to the Free Flow of Information Act.
585 with others.

LORAN SCHMIT

13 Increase number of drug investigators with State Patrol.
13A Appropriation bill.

14 Provide legal counsel for State Patrol.
14A Appropriation bill.
76 Increase tax on gross-sum pari-mutuel betting.
77 Change the number of investigators on the
77A Appropriation bill.
101 Define duties of a physicians assistant.
101A Appropriation bill.
235 Clarify computation provisions for monthly payments and assistance to dependent children.
235A Appropriation bill.
254A Appropriation bill.
261 Provide mandatory life sentence for conviction of unlawful distribution of controlled substances.
312 Permit banks to establish two detached auxiliary teller offices.
393 Provide a helicopter for the Nebraska State Patrol.
468 Provide prior service benefits to certain county employees retiring before age 65.
477 Require state participation in county emergency assistance benefits to needy families with children.
496A Appropriation bill.
102A with others.

HAROLD D. SIMPSON

55 Require state employees to retire at age 65.
96 Delete the prohibition of the agency shop.
178 Limit one race per each racing day to Nebraska bred and registered horses.
244 Limit amount of fees collected by county treasurer in county seats that are also cities of the primary class.
270 Provide for withholding from state employees' wages sums for certain designated recipients.
292 Permit employees to select their own doctor under workmen's compensation laws.
293 Adopt a uniform Residential Landlord and Tenant Act.
330 Revise qualifications for membership to the Abstractors Board of Examiners.
377 To publish only the aggregate amount of all claims allowed by the County Board.
448 To elect Lincoln City Councilmen by district.
111, 585 with others.

WILLIAM R. SKARDA

None

DUKE SNYDER

69 Prescribe an appointment of membership to the Boards of Metropolitan Transit Authority.
70 Exempt transit authority motor carriers from the Interstate Motor Carriers Act.
92 Change the mileage expense allowed for handicapped and trainable mentally retarded children.
93 Allow hospital service coporations to invest in fire insurance companies.
94 Appropriate to UNO agency 51-2 for payment of warrants.
131 Repeal state aid to counties for the support of Indians.
266 Include disabled persons in the Nebraska Fair Employment Practice Act.
386 Provide a teacher with class preparation time during the school day.
387 Permit private or public corporations to establish foreign trade zones and sub-zones.
404 To implement state work incentive programs.
585 with others.

DAVID H. STAHMER

10 Increase authorized building levy in Class V school districts.
48 Impose a sales tax on lodging.
139 Increase the number of city councilmen in metropolitan class cities.
225 Repeal limited urban renewal authority in metropolitan class cities.
275 To name additional colleges to the University of Nebraska.
300 Revise provisions for changing boundaries of certain class school districts.
318 Levy a new tax on tobacco products excluding cigarettes.
361 Transfer functions of the Nebraska Psychiatric Institute from the Department of Public Institutions to the Board of Regents of the University of Nebraska.
403 Create a meaningful educational program for handicapped children.
450 Revise law for composition of county committees for reorganizing school districts.
452 with others.

GERALD A. STROMER

9 Constitutional amendment for election of Legislature in a partisan manner.
128 Require color photos on motor vehicle operator's licenses.
129 Disallow private practice to county attorneys in Class III and IV counties.
130 Redesignate the general administrative officer of the Board of Trustees of the Nebraska State Colleges.

174 Choose candidate for Vice President of the U. S. by vote of the people.
295 Provide quarters allowance to certain enlisted National Guardsmen during annual active duty training.
296 Enact the Insurance Company Plan of Exchange Act.
414 Requires courses in driver training as an alternative to revocation of drivers license.
585 with others.

LESLIE A. STULL

40 Change provisions for county courts in counties of 3,000 inhabitants or less.
40A Appropriation bill.
41 Change provisions concerning use of the State Recreation Road Fund.
42 Change penalties for failure to remit sales and use tax due.
43 The state to pay non-resident tuition for wards of any court.
44 The Game and Parks Commission or the State Board of Education to pay tuition of children residing thereon.
90 Change learners permit provisions for operating motor vehicles.
148 Revise conditions for transfer of territory to a Class I school district.
200 Establish a Fort Robinson Centennial Commission.
200A Appropriation bill.
324 To relax road standards at the request of the Department of Roads.
514 Require all motor vehicles operated on public highways to be equipped with seat belts.
585 with others.

GEORGE SYAS

104 Constitutional amendment exempting timberland from real estate taxation.
116 Appoint and compensate interpreters for the deaf in criminal procedings.
193 Increase and change the method of determining workmen's compensation benefits.
194 Restrict the regulation of air pollution by cities and villages to their own limits.
195 Permit Department of Environmental Control to entertain petitions of violations from citizens.
197 Extend the maximum time period allowed on lease or lease purchase agreemtns by school districts.
232 Constitutional amendment to increase the salary of members of the Legislature.
331 Classify turtles, salamanders and mussels as game animals for hunting.
444 Disallow the air pollution exemption for political subdivisions under the Environmental Protection Act.

J. JAMES WALDRON

162 Increase salaries of court reporters.
162A Appropriation bill.
177 Require railroads to reduce safety hazards to employees around right-of-ways.
210 Provide for expiration period of inheritance tax liens.
313 Provide publication of minutes of city council and trustees meeting in class one and two cities and villages.
365 Increase the minimum limits of motor vehicle liability insurance coverage.
366 Prohibit sale of alcoholic liquors at less than cost by retail licensees.
367 Change formula for fixing assessed value of registered herd bulls.
411 Provide for licensing of insurance consultants.
434 Reduce from five to two cents per gallon the tax on aircraft gasoline.
438 Exempt vehicles transporting bank documents from Public Service Commission Regulation.
585 with others.

JEROME WARNER

137 Create penalty escrow account for funds due the county or municipality.
243 Eliminate maximum salary limitations to be paid to the Director of Health.
267 Adopt the Corrupt Practices Act.
299 Rename the Urban Renewal and Redevelopment Law as the Community Development Law.
357 Provide special permits for farm truck-tractor and semi-trailer combinations.
358 Broaden student coverage for loan of text books by Boards of Education.
359 Levy actual value special assessment for land devoted to agricultural use.
360 To make lawful coin operated mechanical games played for amusement only.
453 Eliminate requirement that municipal building enterprises be put to a vote of the people.
454 Changes motor vehicle law by defining apportionable vehicle with respect to fleet vehicles.
585 with others.

RAMEY C. WHITNEY

20 Increase mill levy for county hospitals.
98 Restrictions on the sale of school lands in any one year.
106 Provide source of funds for state aid to education.

152 Provide new basis for overweight truck permits.
168 Change tenure requirements for the employment of teachers.
396 Broaden investment opportunities for the Nebraska Investment Council.
428 Authorizes deferred compensation agreements for state employees.
463 Authorize the director-state engineer of roads to raise truck load weight limits on interstate highways.
469 Increase annual vacation time allowed state employees.
570 Appropriation to Department of Education from Revenue Sharing Trust Fund.
571 Adopts the School Expenditure Limitation Act.
576 Constitutional amendment authorizing refunds or payments to certain parties of real or personal property taxes paid.

IRVING F. WILTSE

140 Increase amount of bank loans available to active officers or employees.
141 Increase time period allowed for personal bank loan.
238 Revise statement of the purpose of State Colleges.
47, 585 with others.

LEGISLATIVE BILLS INTRODUCED BY COMMITTEES

Administrative Rules and Regulations

50 Create a Department of Inspections.
134 Create office of Revisor of Regulations and a code of Nebraska regulations.
135 Redesignate junk yards as salvage yards.
199 Delete reference to Life Safety Code from duties of the State Fire Marshal.

Agriculture and Environment

496 Provide an administrator for the Agricultural Products Industrial Utilization Committee.
497 Regulate production and handling of Grade A milk products.
535 Enact the Nebraska Livestock Market Act.
537 Allow Environmental Control Council to adopt rules and regulations implementing the Federal Water Pollution Control Act.
538 Harmonize provisions and provide powers relating to the Environmental Control Council.

Agriculture Interim Study

255 Require entry permits to enter the Nebraska State Park areas.
263 Prohibit the sale of non-certified seed under the Nebraska Seed Law.

Appropriations

117 Establish cash fund for the Nebraska American Revolution Bicentennial Commission.
118 Create a cash fund for the State Athletic Commissioner.
119 Create the Oil and Gas Conservation Trust Fund.
120 Pay sums from inspection contracts to the State Fire Marshal Fund.
121 Revise financial procedures of the Nebraska Arts Council.
122 Establish the Revenue Sharing Trust Fund.
123 Require periodic reports of expenditures from the Tax Commissioner.
124 Rename Drug Control Cash Fund to the Nebraska State Patrol Drug Control Cash Fund.
253 Deficiency appropriations, Missouri River Basin Study.
280 Permit auditor of public accounts to audit the Board of Registration for Sanitarians.
281 Permit General Fund expenditures to the Board of Examiners in Nursing Home Administrations.
282 Create the Nebraska Hall of Fame Trust Fund.

291 Require evaluations by the legislative fiscal analyst to aid in determination of state agency budgets.
302 Establish the Nebraska Comprehensive Community Mental Health Services Act.
303 Change the reimbursement rate for transportation of mentally retarded.
311 Permit the director of community based mental health centers to contract with educational service units.
374 To implement plan of construction and improvement of exterior access roads and interior service roads.
375 Authorize commitment of patients to comprehensive community mental health centers.
432 Establish an educational program for acoustically handicapped children.
452 Create the position of State Controller.
536 Permit Department of Public Institutions to create and administer separately skilled and intermediate care nursing homes.
539 Create a Commission on Educational Service Units.
544 Create the State Department of Education Cash Fund.

Banking, Commerce and Insurance

487 Make municipalities or counties liable for judgments obtained against elected county officials.

Constitutional Revision and Recreation

564 Require Attorney General to defend all actions against officers and employees of Game and Parks Commission.
565 Permit any person to have access by boat to any by-way of a natural stream in Nebraska.

Coordination on Higher Education

427 Create the Nebraska Commission on Post Secondary Student Aids.

Executive Board

79 Change period for which a lobbying certificate is valid.
80 Provide Executive Board of the Legislature with discretionary power over employees.
81 Correct legislative emergency succession as to presiding officers.
82 Eliminate prohibition against payment of overtime to clerk and assistant clerk.
83 Change time for sale of session laws.
84 Provide manner in which Legislative Journal is bound.

85 Constitutional amendment changing the date when the Legislature shall meet in regular session.
114 Correct faulty internal reference in Homestead Exemption Law.
203 Establish the Legislative Audit Review Committee.
204 Authorize the Legislature or the Executive Board to rent additional space or hire additional personnel.
205 Enact laws to stop the interference with the Legislative process.
246 Change certain revolving funds to cash funds within designated state administrative departments.
249 Prevent firemen from receiving benefits from more than one life insurance policy.
484 Apportion funds from municipalities to defray the State's share of participation in Federal Water Pollution Control Act.
485 Revise duties of Executive Board relating to officers of the Legislature.
486 Permit retailers to publish their own price lists on any merchandise in stock.
495 Create the Nebraska Coordinating Council and Nebraska Planning Commission on Higher Education.
572 Distributes original sets and additional sets of statutes to certain members of the Legislature.

Education

43A Appropriation bill.
532 Permits aliens to hold teaching certificates by repealing restriction.
533 Divides State into five technical community college areas and clarifies language.

Government, Military and Veteran's Affairs

220 Provide payment of salaries for veteran service officers.
476 Revise regulations for state owned vehicles and transfer their title to their respective state agencies.
549 Revise election procedures to provide at-large elections on the local level.
550 Provide special, statewide primary, and general elections for school district bonds.
551 Provide place for filing oaths of office of a city, village, or school district.
552 Clarify election procedures for county, township and hospital officers on an at-large basis.
553 Repeals pay provision for election officers in counties of less than 50,000 population.
554 Broadens duties of election commissioners relating to voting on constitutional amendments.
555 Provides for election or appointment of members to city or village library boards.

556 Clarify election procedure in cities and villages when voting on liquor by the drink in statewide primary or general election.
557 Provides for duties of election commissioner in school district elections.
558 Provides for election of officers on an at-large basis in cities of the first class.
559 Clarifies election procedure for filling of vacancies for elective positions in second class cities and villages.
560 Change name of poll book to list of voters books.
561 Revises requirements and duties relating to elections in first and second class cities and villages.
562 General revision of state election laws and provides for county election commissioners.
584 Adopt the Nebraska Human Resources Act.

Housing Interim Study

271 Establish the Nebraska Housing Development Authority.
272 Develop and require annual housing studies by the Department of Economic Development.
273 Allow tenants of a housing authority to serve as commissioners of the housing authority.
274 Create a Building Code Commission.

Insurance Interim Study

161 No fault automobile insurance.

Judiciary

1 Revisor bill for reissuance of statutes.
2 Revisor bill for deletion of reference to obsolete courts.
3 Revisor bill deleting reference to interest.
4 Revisor bill deleting reference to proceedings before magistrates.
5 Revisor bill redefining practice of barbering.
6 Revisor bill defining number of jurors in municipal courts.
7 Revisor bill changing bond requirements for County Commissioners.
8 Revision of Nebraska Criminal Code.
57 Provide juvenile court hearings under the Nebraska Treatment and Corrections Act.
58 Provide a minimum age of commitment to youth development centers.
59 Assist Juvenile courts in making proper disposition of children in the Nebraska Center for Children and Youth.
60 Proper taking of fingerprints and photographs of minors.
61 Provide minimum age for commitment to a youth development center.

62 Provide for juvenile court hearings to minors.
125 Provide certain employment rights to criminal offenders.
126 Permit appointment of ex-offenders as probation officers.
127 Abolish crime of public intoxication and create the Nebraska Council on Alcoholism.
202 Provision to annul criminal convictions and restore civil rights to certain persons convicted.
226 General clarification of provisions relating to state court systems.
227 Acknowledge by statute the documents for recording of land conveyances.
228 Pay salaries of juvenile court judges from the State General Fund.
237 Establish the office of Public Council.
354 Adopt the Uniform Probate Code.
499 Adopt the Vietnam Veterans Education Loan Act.
500 Provide procedure to plead alibi as a defense.
501 Provide procedure to plead insanity as a defense.
502 To establish a District Public Defender System.
503 Change service of summons on specific corporate officers to any officer or managing agent.
504 Permit use of audio-visual or videotape for certain presentation of deposition testimony.
517 Repeal State Bar Association adopted title standards.
518 Change filing provisions for secured transactions regarding mortgages on real estate.
519 Provide procedure for use of referees in juvenile courts.
520 Require deposit of one's operator's license as security to appear in traffic court.
521 Remove requirement that general damages be stated in court petition.
563 Establish a Department of Correctional Services.
563A Appropriation bill.
566 Consolidates the administration of community-based correctional programs within the Division of Corrections.
567 To redefine grand larceny and petit larceny.
568 Changes penalty for issuing no-fund and insufficient checks, assignment of funds, and drafts.
569 To make permissive the purchase of goods from the Division of Corrections.

Labor

481 Eliminate hydrostatic testing of boilers.
542 Agency recommendations to permit certain claims against the State.
543 Agency recommendations to disallow certain claims against the State.

Miscellaneous Subjects

494 Adopt the Nebraska Disaster and Civil Defense Act.

506 Require monthly meetings of the Commission on Mexican-Americans.
507 Extend time for the required answering of interrogatories in district courts.
508 Require city planning commissions of Class I & II cities to use an approved comprehensive development.
509 Repeals obsolete provisions relating to employees of political subdivisions.
510 To place interest accrued from Lincoln Field House Fund into the General Fund.
540 Levies certain special assessments under the Off-Street Parking District Act.
541 Changes manner in which special assessments for street improvements become delinquent in first-class cities.
547 Amends public building provisions to allow construction to begin without delaying for accumulation of sufficient funds.
577 Authorize metropolitan utility districts to construct public off-street parking facilities within certain civic centers.
586 Expands the determination of disability coverage for social security benefits to vocational rehabilitation.
587 Makes certain acts in the sale or distribution of motor vehicle fuel or special fuel unlawful.

Nebraska Retirement Systems Committee

214 Require Auditor of Public Accounts to make annual audit of the county retirement system.
215 Require Auditor of Public Accounts to make annual audit of the retirement system of Class V school districts.
216 Rename Retirement Board for Nebraska Counties as the Public Employees Retirement Board.
250 Remove Auditor of Public Accounts from the Public Employees Retirement Board.
297 Permit only qualified actuaries to prepare and sign reports for any Nebraska Retirement System.
352 Provide when an employee retiring before age 65, may receive prior service benefits.
353 Require mandatory retirement of judges at age 70.
420 Repeals provisions relating to police relief and pension fund and firemen's pensions.
423 Revises retirement provisions for personnel in higher education and State Technical Community College Boards.
478 Broaden method of receiving judges retirement annuity.
479 Change provisions for receiving prior service benefits under State Employees Retirement Act.
480 Eliminate restrictions on return of pension contributions for firemen and policemen.

492 Exclude temporary employees from the Nebraska Retirement System under certain circumstances.
498 Provide disability retirement income to certain state employees under State Employees Retirement System.
516 Establishes uniform program for group life and health insurance to state employees.
573 Transfers certain employee accounts from county systems to the State Employees Retirement System.
588 Eliminates restrictions on the return of contributions of future terminating firemen or policemen.

Pesticides Interim Study

254 Broaden the powers and duties of the Department of Environmental Control.
391 Change requirements for certification of aerial pesticide applicators.
392 License pest control operators.
439 Appropriate $2,000,000 to defray expenses of the Rural Environmental Assistance Program.

Public Health & Welfare

482 Removes limitation on salary of health director at Scottsbluff laboratory.
483 Authorize local governments to expend general funds to pay expenses of a visiting community nurse.
511 Create a Division of Social Services.
512 Lowers qualifying age for a license to practice massage.
513 Consolidate the provisions pertaining to health care facilities.
515 Revise fee schedule for disposition to Bureau of Examining Boards for certain health practices.
525 Provides educational television programming for the aged.
546 Changes time for immunization of school children.

Public Works

87 Establish state aid program for the replacement of county or municipal bridges.
88 Repeal provisions regarding bridge construction.
488 Delete exception to requirement of display of in-transit decals on trucks or trailers.
489 Redesignate Department of Roads as collecting agent of fees from nonresident truck and bus owners.
490 Amends law prohibiting advertising signs along highways to provide annual permits.
491 Provide special highway permits for harvesting combines and related vehicles.

493 Authorize county board to designate and establish controlled access facilities.
522 Exempt certain interstate commercial vehicles from State inspection laws.
548 Deny trial by jury for non-criminal traffic offenses.

Public Works Interim Study

45 Adopt revised Rules of the Road.

Revenue

534 Implements statutory language to provide exemption from taxation to warehouse goods held for interstate shipment.

Roads and Traffic Interim Study

147 Provide additional patrolmen for five consecutive years.

State Aid Interim Study

314 Limit non-residents high school tuition rates to 1.2 times the average per pupil cost.
470 Limit annual increases in spending by school districts for operational costs.
471 Establish a Rent Review Board in the Department of Revenue to deal with rent level grievances.
472 Adopt the Public School Support Act.

Tax Interim Study

18 Require mandatory review of County Board of Equalization decision for tax exempt property.
19 Create Ad Valorem Advisory Committee.
132 Remit a 3% collection fee to the credit of the Tax Commissioner Revolving Fund.

Truth in Advertising Interim Study

212 Provide provisions for proper home solicitation sales.
325 To declare retail consumer paper as a non-negotiable instrument.
326 Provide consumer protection against unfair methods of competition and deceptive trade practices.
327 Create the Consumer Sales Practices Act.
348 Adopt the Model Health Maintenance Organization Act.
349 Adopt the Model Unfair Competition and Trade Practices Act.

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17 36 66 73 98 107 108 133 149
175 178 182 194 195 201 254 263 298
301 303 337 378 391 392 400 410 444
464 465 484 496 497 535 537 538

Appropriations

Chairman-Richard D. Marvel

122 156 200 256 257 258 259 280 281
282 291 311 336 385 431 439 452 505
536 544 578 579 581 582 583

Banking, Commerce & Insurance

Chairman–F. Carstens

39 51 56 68 86 93 140 141 142
143 151 153 158 161 164 165 166 167
181 234 247 249 296 305 309 312 339
349 351 390 396 405 406 411 425 441
455 462

Constitutional Revision & Recreation

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9 41 63 72 85 104 138 163 198
232 242 255 284 289 323 328 331 356
374 389 421 564 565 576

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Chairman–Jerome Warner

10 21 28 43 44 65 105 106 109
113 130 145 148 168 171 172 190 197
218 229 238 248 251 252 264 275 278
287 300 306 307 314 321 355 358 362
370 386 395 399 402 403 407 408 422

427 432 440 450 470 472 475 495 532
533 570 571

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7 12 13 22 23 29 31 33 34
74 75 95 137 174 183 187 204 217
219 220 233 244 267 272 274 277 295
310 322 338 340 341 377 393 426 469
471 473 476 549 550 551 552 553 554
555 556 557 558 559 560 561 562 584

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8 14 26 38 40 57 58 59 60
61 62 67 84 110 116 126 127 129
146 157 159 162 169 184 191 192 202
205 207 223 226 227 228 237 241 261
268 293 304 317 329 334 354 360 363
369 379 380 387 394 409 433 436 446
451 456 474 487 499 500 501 502 503
504 517 518 519 520 521 524 563 566
567 568 569 574 575

Labor

Chairman–Richard Maresh

35 96 99 112 125 150 193 211 260
262 265 266 270 292 320 333 342 343
350 371 372 442 481 542 543

Miscellaneous Subjects

Chairman–J. James Waldron

25 27 37 53 77 78 111 117 118
119 120 121 124 131 134 155 179 203
212 224 231 246 288 325 326 327 330
366 381 419 485 486 494 506 507 508
509 510 540 541 545 547 577

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Chairman–Ramey C. Whitney

55 136 214 215 216 236 250 297 352
353 388 420 423 428 445 466 468 478
479 480 492 498 516 573

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5 20 30 32 52 89 92 100 101
102 103 115 173 185 208 221 222 235
239 243 271 285 286 302 347 348 361
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482 483 511 512 513 515 525 539

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11 45 47 49 50 54 64 87 88
90 128 135 144 147 152 160 170 176
177 180 186 188 189 196 199 206 213
230 240 245 269 290 308 316 319 324
332 335 346 357 364 365 368 383 384
397 398 414 415 417 424 437 438 443
447 454 457 458 463 488 489 490 491
493 514 522

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Chairman–Jules W. Burbach

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94 114 123 132 154 210 279 283 294
318 344 359 367 382 401 434 526 527
528 529 530 531 534

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Chairman–Duke Snyder

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276 299 313 315 345 373 448 453 460
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The following table shows the final disposition of each bill

Length 90 days

Total Number of Bills Introduced 589
Total Number of "A" Bills Introduced 33
Total Number of Resolutions Introduced 90
Total Number of Bills to Become Law 365

General File 45 (Chronological order):

7 128 230 238 359 458 389 104 153
161 396 499 127 131 92 217 377 288
LR19 237 502 434 490 78 323 438 LR8
471 48 432 212 293 334 66 302 361
513 565 LR 25 567 568 569 91 375 327
508 520 584

General File 45 (Numerical order):

LR 8 LR 19 LR 25 7 48 66 78 91 92
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237 238 288 293 302 323 327 334 359
361 375 377 389 396 432 434 438 458
471 490 499 502 508 513 520 565 567
568 569 584

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Enrollment and Review 0.

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56 57 58 59 60 65 68 68A 69
70 71 73 75 76 79 80 81 82
83 84 86 87 88 90 93 95 99
100 101 101A 102 102A 103 107 110 110A
111 112 112A 114 115 116 117 118 119
120 121 122 124 126 130 132 133 134
137 138 140 141 142 143 144 145 146
148 149 150 152 157 159 163 164 165
166 167 169 172 173 176 177 178 180
181 182 182A 186 187 188 189 191 192
193 194 198 200 200A 201 201A 206 207
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227 232 234 239 240 241 243 244 245
247 248 249 250 252 253 254 256 257
258 259 261 263 265 266 267 268 273
275 276 277 281 282 284 285 290 291
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420 422 423 425 428 429 430 431 436
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480 481 482 483 484 485 487 488 489
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503 504 505 509 510 511 512 515 516
517 518 519 521 522 523 524 526 527
528 530 531 533 534 535 536 538 540
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203	205	218	219	221	222	229	233	242
	255	260	262	264	269	270	272	274
[illegible]	283	289	292	298	300	304	305	308
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394	398	401	404	407	409	410	418	419
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